App F IX 4

Previous References 1942-43 (Municipal)

File No 108-42

Serial Nos 4, 8, 18, 24,

Later References Including VP 41-43 5, 6,

GENERAL AND REVENUE SECRETARIAT

Serial Nos 4

Part B for Sep to Dec 1943

SUBJECT

Amendment of the Mysore City Municipality Act, 1933, the Mysore Town Municipalities Act, 1933 & the Mysore Village Panchayats Act, 1925.

To the Controller, Mysore Gazette
R.L. Nos 972, 973, 974 & 11/11/44
directs the publication of the Bills
under Rule 30 & 32 Rules
Mysore Legislative Rules.

Rs 196 Waste of y irrecoverable Land Tax in Town Municipality

916/L

General and Revenue Secretariat — M — File No 108 of 1912. [App F III

Serial No

From the D C Mandya Dt

No A5 240/42-43 dt 5 8 1942, requesting Sanction to write off the Sheristadar Rs 596-3-4 being the arrears of Site Tax in the Seringapatam Town Municipality

The report reveals that such remissions are allowed year after year. The difficulty of locating the whereabouts of certain cases is possible but to say the same in 324 cases in a town like Seringapatam, goes to show the neglect of proper vigilance by the Municipal authorities.

2) The D.C. proposes to recover these taxes as arrears of Land Revenue & the proposal in the behalf may perhaps be awaited.

3) The remission of Rs 596-8-4, now recommended is subject to audit.

4) The file will be sent to the Comptroller for remarks

Law Dept 7 Fin Sec

13-8-42

5) Forwarded unofficially with compliments to the Comptroller for the favour of any remarks he may have to offer

Law Dept

SECY. LAW DEPT. 1720 13 AUG 1942 GOVT OF MYSORE

5-1-42 14-8-42

ACCOUNTANT'S OFFICE, BANGALORE 25/Chq 9 17 AUG. 1942 120/sp NOTE-Contra Short SECTIONAL SECTION

WD 04155—GPB—55 000—23 10 41

Comptroller's remarks on the Secy report 19/8/42 Law Dept

M | File No 108 of 1942 | General and Revenue Secretariat

189/spl d 14 9 1942

U O No 137/C.LAD. dated 16th September 1942.

Serial No

b) Returned with compliments.

2 As seen from a special audit of the Mohatarfa Accounts of this Municipality that has just been concluded, this Municipal Council has written off the following sums since 1932-33 These arrears relate to both existing and absent assessees

Year	Amount
1932-33	Rs 451--9--4
1933-34	130--8--0
1934-35	..
1935-36	826--0--0
1936-37	6,426-11--6
1937-38	860--5--0
1938-39	594--0--0
1939-40	986-12--4
1940-41	664-11--8

3 This seems however, to be the first occasion on which they have applied for higher sanction presumably in accordance with G O No.L 8265-Ml.89-40-25 dated 16-5-1941

7) 4 In the procedure prescribed for the recovery of taxes in Chapter VIII of the Town Municipal Regulation, it is taken for granted, that the assessees are known, and that some movable property belonging to them exists. In the present case it is stated, that the owners are unknown, and that the whole of the unrecovered taxes relate to vacant sites The write-off of sums of this kind would be covered by para 84(2) of the M.A.M. as the defaulters do not exist and there is of course no property of theirs to be attached either within the Municipal limits or elsewhere There is no use keeping such items on the Register for more than a year in the case of sums

of

Write off of irrecoverable Vacant Site at Srirangapatam Town Municipality

General and Revenue Secretariat — File No 105 of 1942 — 91 6/2 — [App F III-2

Serial No

of less than Rs.5/- also, as there is not any chance of their recovery If, as stated, the owners are unknown, there is no objection to sanction the write off claims of less than Rs 5/- each now recommended, those of Rs 5 and above being retained for three years as per clause (5) of Rule 82 of M.A M provided the requirements of rules 55 (Note 2) and 84 A of M M have been complied with

8 5. As the law stands at present these sites cannot become the property of the Municipality without resort to the Civil court But this course involves often, much more expenditure than many of our Municipalities can afford, and it may not be worth while eithe As the law stands at present till the property becomes the property of the Municipal Council, by a suit filed by it, if any, the present procedure of annually raising the demand and writing it off as irrecoverable at the close of the year will have to continue, if the books of the Municipality are not to be heavily burdened with irrecoverable arrears

M Shamanna
Comptroller

KR/11

17-9 42

9) A draft G.O. sanctioning the remissions proposed by the D.C is submitted for orders.

NOTE—Cont Sheet

WD 041 — GJB—5 000—23 10 41

Working of irrecoverable taxes on lands in the Lands acquired by Dam Dept

File No 107 of 194 1

General and Revenue Secretariat

Serial No

10 Pl put up a copy of this note
L 9265-1 mk 8-11-25 By 6-5-1942

for
Minister

The collector reported to above is pointed
in the Docs 3707/42 which has been recently
referred to the Comptroller on 18/5/42, and is therefore
not available for the Branch. The accounts file
called for file will be consulted —
No 5/10 25/5/10 by the collector which is quite
irrelevant and not to the point
No 5/10 3) The draft for such is
in accordance with the comptrollers
opinion above so put up for approval

Law Secy Sec
6/6/1942

SECY LAW DEPT
7 Y
1 342
GOVT OF MYSORE

4) May be approved

Minister S E

for Minister
7-10-42

OFFICE OF THE MINISTER
FOR L S G & P H
Date 8 10 42
No 2932

No
12 10 42

1-) The question of vacant sites & non-payment of taxes by the Municipalities & Panchayats Law Secretariat to

Serial No

common features involving some-
times expenditure for going
to civil courts & unreasonable delay
in effecting recoveries & also
the question of resuming the
Rules for non payment of dues'
recovery to a definite period
of 6 or 12 years without having
recourse to civil courts may
be examined in Law Section

S/C
12 10 42

Cus
13-10-42

15) 1) Done
2) Resubmitted
18/10/42

8 G.O. No. L 4182 3/ ~~dated 15-10-42~~ 16-10-42
sanctions the write off of amounts less than Rs 5/-
those that are above Rs 5/- being returned on
the Accounts of the Dist. Collr Clause (5) of rule 82 HB
Do Dy. C. Mandya
" Comptroller

17) Resubmitted for orders with regard to para
15-16 supra

15/10 18) There was a file on the subject
previously which has become of

NOTE—Contn Sheet.

WD 04155—GPB—55 000—23 10 42

19) Please trace & put it up with the previous
file if the D.C's have been received from
the Dist to the Law Section

There is no such file in Sec
19/10

18/10/42

Resumption of municipal rights in non-payment of Municipal Taxes. 28/10/42

P

File No 108 (916) of 1941

General and Revenue Secretariat

Serial No

TYPING SECTION 9 DEC 1942 GFT & SECTT

20) The original file i.e. the question of resuming all rights for non-payment of dues may kindly be put up. This has been sent to Law Secy. for their views some time ago.

To Post Section Br.: 30/10/42

GS 30/10

21) It may kindly be noted as to in what connection and on what date the bill referred to in para 20 was sent to Law section.

Asst Secy (L S & Br Branch) 6/11

6/11/42

6/11/42

22) Subs for instructions

9/11

23) Draft letter calling for certain information from the Dcs of Districts as put up - as per instructions.

9/12/42

GS 9/12

9/12

To,

The Dcs of Districts.

L 5923-31 dt 10 12 42

calls for certain particulars

Secy A 11/12

SS 11/12

25 The reports from the Dist may be summoned

on the measurement the file may be sent to the Asst Reg Lawsuch for inspection, and thereafter to the Court at part IV together with the note between Asst Reg Laws WRC) 19/1/43

(SWAN)

26 The Question to be answered on the Case is as to the best manner in which vacant lots or allotments are by the Law to be assessed without resorting to Civil Courts for relief

(27) Chapter VIII deals with the recovery of Municipal Claims, & by the "ordinary" Common Law Court for recovery be open by other methods, than under Sec 198 of the Municipal Act, the Court will have to pick a Suit -

(28) But then that is the remedy to be adopted in Cases where the whereabouts of the owners of the lots are not known as is found in this Case.

A Suit cannot be filed, & the Court will throw out the Case, as the property described even effective substituted Service cannot be taken under O 5 R 20 Code & the Suit after incurring of expenses, will be dismissed

on 26th 17/1/43
26th 2/2/43

A Dy Clerk on both days busy with four meetings & Bellary Relief Committee & on 8th & 19th of this month January A there is no delay in the case above I report accordingly

(29) In it may be provided that Municipal arrears in land, can be made recoverable as arrears for land revenue, in the manner provided in the Land Revenue Code, as such ~~[illegible]~~ mode of recovery ~~[illegible]~~ may be inconsistent with Sec 1989 of the Municipal Act therein, then mode of recovery cannot be resorted to even under the Municipal Act

You, I would therefore suggest that a Section may be added, for resumption of lands in certain cases which, are, under consideration here

(31) The said Section may be in the Sec 200 A I may contain provisions like the City Municipal Act It may be worded as follows

Sec. 200 A (1) In cases, where arrears cannot be recovered, under the provisions of Chapter VIII or under Sec 198, by reason of the title being kept unclaimed & the owner thereof unknown, the Municipal Council shall publish a Notification in the Official Gazette specifying all the material particulars of the said title, & the arrears due thereon & requiring all persons who may have a claim over the said title to appear before the

1140—GPB—50 000—5-11-42

Municipal Council in writing requesting from the date of the notification and file a statement showing reasons for allowing the person to fall into arrears of the Municipal Council, the person to be a bona-fide claimant and is satisfied that the explanation given by the person in respect of the arrears due on the said date, the Council shall direct that person to pay off the arrears within one month, failing to do so, the sale shall be resumed by the Municipality;

2) If no person appears within such period as prescribed in Sub or the person who appears in response to the notification mentioned in Sub Sec 1 is not the opinion of the Municipal Council not a bona fide claim the sale shall be resumed by the Municipality;

3) Any person aggrieved by the action taken in the above Sub Sec Sub Sec (2), may within three years from the date of the order of forfeiture in Sub Sub Sec (1) or the date of resumption of the sale by the Municipality file a regular suit, and establish

claim in a Competent Court of law.
A Section like the one noted above, with adequate changes in the wording of the section, may be framed & amended in Act

(31) But as regard sites the owners of which are vacant & the owners thereof are known, resumption cannot be ordered. Action in such cases will have to be taken under Ch VIII & Sec 1983 of Cantonments Act.

3) If necessary the advocate / Secretary (may be consulted in the matter

Law Secretary) 3
13/2/43

(34) It may be done

O No P 93842 dated 15/2/43

Hoo 78:1/42-43 dy 15-2-43

Cus
13-2-43

(35) The proposal should be examined by the advocate / Secretary for form & advice

[illegible]
Asst Secy (Law)
13/2/43

No Pn 74
42-43
17-2-43

(36) The power to recover dues as arrears of land revenue is the prerogative of a - Sovereign - Government and is even then confined to recovery of revenue dues, and cannot be granted to other - non-sovereign - bodies

As regards the mode of realisation of municipal taxes in respect of sites the addresses of the owners whereof are not known, I do not see any difficulty in filing

filing suits against them stating that the whereabouts of the defendant ~~is~~ are not known and ~~asking~~ praying for substituted service of summons in the very first instance - by beat of tom-tom on the site in question and by affixment to the Court Notice Board - by filing necessary I A supported by affidavit

The legislation suggested by the learned Assistant ~~xxx~~ Secretary - which dangerously akin to the power referred to in para 1 supra - is (in my opinion) unnecessary

C I 16/2/43

16/2/43

(37) It is with due respect to the learned Advocate General I must state that I have never suggested that the Municipal arrears on unclaimed property or vacant sites should be recovered as arrears of land revenue. The learned Advocate General's statement in that respect does not appear to be correct

(38) As the Revenue authorities want the assistance of Court to recover arrears on such sites they have suggested either to recover such arrears as arrears of land revenue, or by recovering such sites. I have stated that the first course cannot be adopted, as it would be inconsistent with Sec. 1989 of the Municipal Act No 1 I have suggested legislation, or amending

Resumption of Municipal lots, for non payment of Municipal taxes

Continuation Sheet | File No | Current No | of IV | Page

the Act as now to admit the Second Class resumptions, in cases of Lots which are unclaimed for over 6 & 12 years. To place such Lots in possession of such Lots, would be not only Sheer waste of time but it would be wasting money. By adopting the amendment as suggested by you, the Claimant may, will bear witness, & the Municipality will not be doing any injustice to him in any way. It must be remembered that the amendment suggested by me is only in respect of unclaimed Vacant Lots or property, & not in respect of Lots or property which the owner is known.

Law Secretary 3/18/24

99.7

(31) What is required is to provide a practical remedy that is to be guided by general principles with sufficient safeguards to protect the interests of Real Owners by issue of notice publication in papers & proclamation, power may be given to Municipality to resume unclaimed Lots & Sell them

Remind that legislation may be considered on approval of the above suggestion

Minutes 2 SG 19-2-24

(18) H G 3 19/2/24

Com 26 2 4 3 2 4 3

OFFICE OF THE MINISTER FOR LANDS & P H
Date 26 2 24
No 6985

14

2810 D 471.1

It is the
[redacted]

[redacted] Bill, however,
[redacted] one amending
[redacted] amending the
[redacted] Municipalities
[redacted] it has been carefully
[redacted] Zone
15 4 43

[illegible] (Amendment)

14

2/ 471/M

General and Revenue Secretariat | File No | of 194 | [App F III-2

Serial No

(41) In my note dated 13/7/43 I have suggested an amendment in the Municipalities Act for [illegible] approval or further orders of Secretary) 3/26/2

(42) Leg Section will put up the draft on the above lines

28-2-43

Dy Secy Legs file 3/1/3/43 DOM 2/3/43

BKR 2/3/43

43) Draft Bills amending the Act and Town Municipalities Act on the lines indicated above are put up for consideration

OFFICE OF THE SECRETARY W D V 5 2 1943 REPRESENTATIVE ASSEMBLY

44) As directed by the Minister at para 15 above, provisions of resumption can be, under the draft proposed, be put into effect only in cases of arrears of over 6 years

DOM 15/4/43

Secy RA dc) DOM 20/4/43

45) i) It is desirable that the notification shows also give particulars regarding the amount due to the Municipality

46) ii) Where the person appears and pays the amount to the Municipality, no further

NOTE—Cont Sheet

WD 041 5—GPB—55 000—23-10-41

471/M. 15

File No | of 194 | General and Revenue Secretariat

Serial No

need be communicated from municipality as the purpose of the notice will have been served.

47) (iii) The period of three years suggested in sub clause (3) (b) seems to be too long, as it will interfere with the rights of alienation of the municipality and the rights of the purchasers. I think a period of one year will meet the purpose, particularly in view of the fact that the order of exemption will have been published in the Gazette.

48) Suitable alterations have therefore been suggested in the several sub clauses (1) (2) and (4)

BKR 20/4/43

(Law Secy)

(iii) The A.G. may be consulted.

20/4/43

12-5-46 20/4/43 GOVT

To Forwarded, with compliments, to the Advocate General at Guindy, for favour of furnishing his opinion on the draft Bill

BK Ramakrishnaya for Law Secy 21/4/43

7 No 1011 dt 21-4-43

21.4.43

I find from the learned Assistant Secretary's (Law) notes (No 37 and 38) that parahs 1 and 2 of my note (No 36) are

U O No 1089 dt 22.4.43

SECY LAW DEPT 21 APR 1943 GOVT OF MYSORE

are objected to. Re parah 1, as the question (of recovery as of arrears of land revenue) is raised in the Deputy Commissioner's note (No 1) but left unanswered by the Assistant Secretary (Law), I felt called upon to state my opinion on this point as well If, however, such legislation is decided upon, S 198 of the City Municipalities Act will be no bar as fresh legislation is proposed Re parah 2 of my note, I was misled into thinking that the matter related to sites whereof the owners were known but not their addresses, from the statement of the case appearing in parah 28 of the Assistant Secy's (Law) note and from the words in note 31 (S 200 A) "In cases where arrears cannot be recovered either under the provisions of Chapter VIII or under S 198", ~~it can refer~~ (the words can apply) only to sites whereof the owners are known

(4) Coming to the amendment proposed in the City Municipalities Act (of the Town Municipalities Act), I have attached to the draft my own draft embodying the alterations suggested by me

C L Gmd 27/4/43
AG

Secy 28

DPH 29/4/43

DM 29/4/43

Thru V

(5) The Advocate General has sent a revised draft Bill for Consideration

The following are the points of difference between his draft and the draft put up by the Legislation Section and are submitted for orders

1 The AG suggests that action may be taken for arrears of 3 years as against 6 years suggested in the Secy's

2 The AG has combined a demand notice in the notification with a notice to show Cause In the Secy's

draft, provision was made for only for a notice to show cause or action would be taken only when the owner is not known and when all other remedies are considered inadequate. Further when payment is made, further proceedings have to be dropped.

3 The notification has to be for 3 months notice under the draft of the A G. In the Office draft no period was left to the specifics in the notice itself.

4 When land is taken over a further period is allowed of 3 months within which payment may be made and the land restored in cases where the Municipality is satisfied that a person tendering is entitled to possession of the land (According to the draft of the A G)

In the Office draft proposed restoration and possession were left for decision of the Courts as Municipal Councils are often unable to pay of taxes and such payment would affect title in any way. Although in Municipal Council about title is proved or on which they may not be competent to decide there is embarrass of conflict with a decision in these matters by Civil Courts. Hence the Office draft referred only to a resumption and a setting aside of an order by a Civil Court.

4 The period given taken for appeal are identical in AG suggestions 3 yrs

5 The AG suggests that the right of

suit should be for a declaration of title or right to possession & in the absence of the right suit was a right to have the order of resumption set aside

6 Unless a right of suit is given for a declaration of title an additional subclause to be suggested by the AG for exempting the suit from S 42 of the Sp Relief Act

(57) Orders are solicited as to the draft which has to be approved or if any changes (have been) made in such draft before approval

Secy
Mat-Le

Secy
30 4 43

(58) (1) I feel it is unnecessary to give a second chance for payment, after the site is taken over by the Municipality

(11) It does not seem desirable that the question of title or possession should be gone into and decided by a Municipal Council. The work is rendered more difficult and complicated if there happen to be rival claimants to the property

(111) As the Municipal Councils are given the right of taking over the sites, it seems desirable that such drastic action should be taken when there has been no payment for a sufficiently long period. Three years time appears too short.

Secy
1256/43

BXR
1 5 43

Law Secy)

471/nd

Continuation Sheet | File No / Current No | of | Paras.

10
8441

OFFICE OF THE MINISTER FOR L S G & P H
Date 6 5 43
No 92483

please put up a brief note suggesting
acceptance of suggestions
made by the D.G & thereafter
up to Secretary for settling
conference / points

Cus
1-5-43

BXR
15/43

MW 2V

b) Received instructions in pursuance of above
Bill has been suitably altered and is put up
A Sl of 9 Pamphlets is also put up for approval

3117
5/5/43

BNR
3/5
5/43

Law Secy)

b1 May be approved

Cus
5-5-43

Number 99

BNR
6/5/43

b2 VHG
8-5-43

Cus
10-5-43

b3 & may be approved
by circulation

Cus
10-5-43

Devan

BNR
10/5/43

I shall be glad to know if there are
similar provisions in the Municipal law of
other Provinces in Br India

WD 01809—GPB—60 000—26-1 43

Cus
13-5

The Nagpur City Municipalities (Amendment) Bill

65) Reference Dewans minute at para 64 above

66 I have gone through the Municipal Acts of the following Provinces Madras, Bombay, Bengal, Punjab, Assam and C P There are no provisions in any of the Acts Corresponding to the Bill under Consideration

67 Municipal Acts of the other Provinces are not readily available

Secy RA & Le) SDN 15 5 43

68 BKR 15 5 43

Law Secy)

69 Under Secy Jundaee 15 5 43

BKR 15 5 43

SDN 15 5 43

A

Subs n

(71) It is for consideration if some of the provincial governments may be addressed requesting them to inform whether any provisions corresponding to the proposed Bill exist in their Municipal Laws, if attached, & the practice obtaining there when similar instances arise

The recent gazettes of provincial governments

Redemption of Municipal Taxes

Continuation Sheet File No 471/RL Current No of

have been looked into, but the information required is not available

24/6/43 (71) If Municipal Acts of these provinces are not available, Copies may be obtained as may also be necessary for other purposes of reference also I would suggest that Copies of the municipal Acts of these Provinces of which we have no copy, may be obtained instead of calling for the information merely for this

Secy (RA-Le) 7/7/43

I agree 7/7/43

7/7/43

(72) Please put up to Dept

The Library Section will be requested, if approved to take action for arranging to obtain Copies of the Municipal Acts of the above provinces of which copies are not available

In the meanwhile the provincial gazettes will also be consulted and 24.1 8/7/43 submitted as and when they are received

8/7 (73) I would suggest that a Specific list of the Municipal Acts wanted is sent to the Library so as to help them in getting the Copies may be obtained as early 9/7/43

Subs

Kind reference is invited to para 66 of

WD 01809—GPB—60 000—26 1 43

@ any Province in UP - Nainital

Resumption of Municipal Sites for non-payment of Municipal Taxes

The notes supra

(75) The Municipal Acts of the marginally noted provinces have not been available for want of copies of the same

(76) It is for orders if the Library Section may be requested to take needful action to obtain copies of the Municipal Acts of these provinces and send them to this office as soon as they are received

Sec'y RA 20) 10/7/43 BVR 10/7 2V 10/7/43

15 BVR 10/7/43

Registration WC)

79 Please note whether any of the Acts of the marginally noted provinces are available in the L S G Branch or in the Library

Liby) 13/7

Subd SOA Copy of the Municipal Manual of the United Provinces containing the Municipal Act & Rules as corrected upto 31st Dec 1925 is available The others are not available in the Library

MR 14/7/43

81 Those that are not available may be obtained

16/7

MR 2 V

Subd 8 Draft put up for approval Extract taken and the file returned Action is being taken 17/7/43 separately

Submitted for perusal The receipt of 13

Resumption of [redacted] Suits for payment of Municipal Taxes

Continuation Sheet | File No / Current No 471/M | of [illegible] | Page [illegible]

copies will be awaited, if approved

1 Copy of the Municipal Manual of united provinces referred to in para 8 of the notes supra is put up herewith

24 2/7/43 BVN 2/7

(5) Copies of the Municipal Acts asked for may be awaited

BVN 1/8/43

As instructed the U.P. Municipal Manual has been gone through. No provision has been made parallel to the case on hand

24 3/7/43 BVN 3/7

6) The Municipal Acts of the following Provinces have been scrutinised

1 Madras
2 Bombay (also applies to Sind) 9
3 Bengal
4 Punjab (Also applies now to Frontier Province) 10
5 Assam
6 C.P.
7 U.P.
8 Bihar & Orissa

The only Province left out is Delhi and the Municipal Act is stated not to be available BVN

There is no provision in any of the Acts corresponding to the Bill under Consideration

Submitted with reference to the Dewan's memorandum at para 64 above.

Secy (R.A. Le) BVN 1-8-43

7) BVN 1.8.43

Law Secy

Also Secy There is no provision in any of the Municipal Acts corresponding

SECY LAW DEPT 2417 GOVT OF MYSORE

WD 01809—GPB—60 000—26-1-43

Imposition of Municipal Taxes for non payment of Municipal Taxes

471/M

Continuation Sheet | File No / Current No | of | Page 24

FO — 186 ✓

Submitted on 13-9-43

Remarks

OFFICE OF THE MINISTER FOR L S G & P H
Date 15 9 43
No. 1757

OFFICE OF THE MINISTER FOR L S G & P H
Date 30 9 43
No 2198

OFFICE OF THE MINISTER FOR L S G & P H
Date 8 10 43
No 23225

MRTV 26 10 43

Put one just proceed & be introduced

Number 2 SG / Division ✓

Circs 4-9-43

89) The same as formerly to BXR 4.9.43 being fees in the U Ps shown a great degree done 26 9 43 BXR 15.9.43

90) Rule 29/9/43 Vetted 3 10 43

Circs 3-10-43

BXR 3.10.43

91) May we proceed with the Bill?

Circs 7-10-43

Number 2-SG

92) The U P Acts also may be suitably amended BXR 7.10.43

Vetted 23 10 43

Circs 23-10-43

BXR 26.10.43

Vetted 26.10.43

Suppl 93) A draft Bill amending the Mysore Village panchayet Act, 1926, on the lines of the amendments proposed to the Mysore city and Town Municipalities Act

Resumption of lands by Village panchayats for arrears of taxes

Continuation Sheet File No 471/M of

is put up for consideration

94) Section 40 of the Mysore Village panchayet Act (as amended by Act XIV of 1938) prescribes the mode of recovery of taxes, dues &c owing to a panchayet and this section has been amended by the addition of a new section 40 A (Act VII of 1931) Since the object of the present amendment is the resumption of lands for arrears of revenue, a new section has been added and numbered "40 B"

Copies of the principal Act and amendment are put up in the file

JV
6-5-41
GI.

WD 01809—GPB—60 000 —26 1 43

J R S III—3]
R A & L C

Routine Notes

[To be used only for notes, requisitions, etc , not intended for permanent record]

95) The file relates to the question of resumption of land within municipalities in respect of which taxes have not been paid and the owners are unknown

96) It has been ordered that a Simla amendment may be suggested to the V & P Act to the following information is necessary to draft a Bill under section 40 of the Act for the recovery of dues = effected by the Amritsar Improvement Trust also shewn where the power from the Amritsar or the Lanchester? What is the practice now?

When land is resumed should it be to the Lanchester or the [illegible] Improvement Trust?

97) I request you to kindly enlighten me on the points so as to help me in the drafting of the Bill

8 11 43

Asst Secy
Legal Rem
Sec

Mr KPS
Lodge please

98) 8/11/43

99) Submit with a draft letter to the Res Comr calling for the information

8/11/43

(100) For perusal before issue

Asst Secy 8/11/43
Law Secy 8/11/43

TYPING SECTION
9 NOV 1943
GEN & REV SECTT

SECY LAW DEPT
447
1943
GOVT OF HYDERABAD

N B —Should routine notes be written on small slips the notes must be copied or slips pasted on this form

Amendment 67 V

G R S III—3] 3876/L 471 M
R A & L C

Routine Notes 97

[To be used only for notes, requisitions, etc , not intended for permanent record]

To
The R C
Nos 5 to 14 dt 18-11-43
calls for certain information Sig

Letter no A5-45-67/43-44 dated 17-12-43 from the Rev Comr furnishing a report in the matter

1) The information required by the Legis Section is furnished in the Rev Comrs Report flagged Z.

This will, if approved, be returned to the Legis Section

Kms 21/12/43

2) Asst Reg Legis Section wpe) for 21/12/43

Sgn 22.12.43 Mr 24

3) Submd

The Rev comm's report is for perusal He is of the opinion that the question of resumption does not arise in respect of the Village panchayat Act, as there is no provision in that Act corresponding to Sec 54 of the Land Revenue code In the light of the opinion above stated, it is for consideration if any

flag Z

B —Should routine notes be written on small slips the notes must be copied or slips pasted on this form

amendment-

471/N. 3676

C F 74] Re Amendment of Village panchayati Act

Routine Notes

28

[To be used only for notes requisitions, etc , not intended for permanent record]

enquiries are necessary with
all put up

104) Information was sought
BVN 6/1/44 to help in drafting the Bill
the V P. Act no doubt has no
provision for resumption that is
just why the amendment has
been ordered to be made to the
Act to permit of resumption
The information required was
what is to be inserted in the Bill to be drafted
for amending the Act,
(i) provision may be made for
empowering Amildar to issue
notices and
(ii) where the land should
be resumed to the Govt or to
the Panchayet.

These questions were not asked
in respect of the Act as in force
but to facilitate drafting

105) The addl Secretary will be
requested to kindly obtain
orders on these points and send
back the file to complete
drafting Secy (RA LC) DRS 13/1/44

N B—Should routine notes be written on small slips the notes must be copied or slips pasted on this form

106) MXR 13/1/44
Asst Secy (LSG Br)

C F 74]

WD 0978—GPB—100 pads of 10,000 sheets

Routine Notes

[To be used only for notes, requisitions, etc , not intended for permanent record]

07) Under the rules issued with notification
no L 7203/VP 41 38 4 dated 7-3-39
for the assessment and recovery of
the Village Panchayet taxes, the notices
issued for the recovery of taxes
are to be signed by the Patels and
these Village Officers are also
empowered to issue distraint
notices for the recovery of VP taxes
As the Village Panchayets and also the
Village Officers do not generally
enforce the rules for the recovery
of the taxes there are very heavy arrears
of VP taxes it would not perhaps
be quite effective to empower either
the Panchayet chairman or the patel
to issue notices in cases of resumption
of Sites for the recovery of VP taxes
In this view, the Amildar may be
empowered to issue notices for the
resumption of Sites contemplated
in the draft amendment

P T.

Regarding item (11) it is
submitted that all Sites within
the Gramakantha belong to the Panchayets concerned generally

N B—Should routine notes be written on small slips
the notes must be copied or slips pasted on this form

Amendment of V P. Act-

Continuation Sheet | File No / Current No 47/PL of | Page 30

108) In this connection, it may perhaps be mentioned that the position of Village Panchayats with regard to the Sites within their jurisdiction is rather curious for, though the Panchayats can levy tax on Sites, they have no right either to dispose them off or to resume (Vide Section 48 of the Land Revenue Code) It is perhaps necessary that the Panchayats have to be allowed greater rights over the Sites within their limits than what they are having at present.

The views of the Rev Court may perhaps be obtained on the points referred to by the Legal Section

Submitted with a draft letter to the Rev Court

Thru 21 2 44

109) I submit above

21 2 44

To

The Rev Court

L 8777 d 24-2-44

Calls for his views

110) Submitted with a draft-reminder to the Rev Court

Thru 10/3/44

111) Submitted

10/3/44

TYPI - SECTION
23 FEB 1944
GEN & PFV SECTT

11-RLC-4
GEN

Sent with C.W.

Rev and returned with Karthy action has been taken in time for RA and I suggest a reminder may please be sent to Rev Court

8/3/44

Asst Secy Leg Dept 10/3/44

3876
L

Continuation Sheet File No 471/M Current No of

To

The Rev Comm

Issued vide L 9650 d 17-3-44

Requests to furnish the information called for very early

113) As this file also contains the papers relating to the amendment of the Municipalities Acts, this may be returned to the Legis Section for such action as is necessary in the matter

The information relating to the amendment of the V P Act will be sent to the Legis Section soon after the receipt of the report from the R C

114) This must be obtained early Jan

Cons 23/3/44

115) Legis Section for reply please

BKR 24 3-44

116) Draft Bills for amending the Cities and Town Municipalities Acts have been approved and are in the file

It was noted at para 92 above that the V P Act may be similarly amended & that information was necessary before instructions to draft a Bill and the above Section has addressed the RC from whom a reply is expected before the Section can be taken after receipt of the reply

119) Please put up by about the 15th April DDO 24 3 44

9748

For perusal of Law Secy's note in margin DDO 27 3 44

310 Reforms Asst Secy Legislative

117) Secy RA Dept DDO 24 3 44

BKR 27 3 44 Law Secy DDO 28 3 44

WD 01803—GIPE—60 000—26 1 43

6618/L Amendment of the Village Panchayet Act

Continuation Sheet File No Current No 471/M.I of 487/42 Page 32

11) This file is resubmitted as per orders at para 119 overleaf

12) If approved, the L S G Branch will be requested to inform whether the report from the R C (referred to in para 113) has since been received (Law Secy's note at para 114 above)

24/14/44 Asst Secy Leg Branch 18/4/44

Work DS

18/4/44

Letter no AS-6015/48-44 dated 20-4-44 from the Rev Comr furnishing his views in the matter

P & D

12) The report of the Rev Comr is placed below The views expressed by the R C may perhaps be accepted This will be sent to the Legislative Section for necessary action

Yes L 24/4/44

Law 24/4/44 12 In perusal before transferring the file to the Legs Section for further action

Law Secy 24/4/44

Asst Secy Legs Section 25/4/44

25.4.44

Draft of an amending Bill is submitted for approval

24. 4/5/44

Three draft Bills amending the City and Town Municipalities Acts and the Village Panchayat Act and the Statement of Principles are put up.

The drafts amending the City and Town Municipalities Acts have been approved by the Law Secy at page 61 and the Village Panchayat (Amendment) Bill is drafted on similar lines

Reference is invited to paras 89-92 of the notes

The draft Bills may be approved

The file work Receipts be sent to the admn Section to take further action

Law Secy

OFFICE OF THE MINISTER FOR L S G & P H
Date 9 5 44
No 7811

May be approved

Min L S G

as it is necessary to allow period of one year, to prepare claims in case cases

In the note by the Asst Secy Law dept a period of 3 years was suggested (Para 31 of the notes) The Secretary R.A. Dept suggested that the period was too long and proposed one year. (Para 47 of the notes) The Advocate General who was consulted has suggested 3 years (Flag I)

Submitted with reference to the Minute of the Minister L S G above

Law Secy)

7393

OFFICE OF THE REGISTER
FOR L S G & P H
Date 10 5 44
No 7853

1° It is necessary to give one years time especially as we are proceeding to do works ordinary remedy

Mysore 2 5 44

Dewan

Mys 20 5 44
Mys 22-5-44
DMD 22 5 44

2) Mys 23/5/44

Mys 23-5-44

This is a Comml matter

DMD 23 5 44

Law Secy

3) Mysore despatch by my circulation

Dewan

Mys 23-5-44
DMD 23 5 44

13903

CHIEF SECRETARY
27 MAY 1944
GOVT OF MYSORE

4) Mys 26/5/44

Mys 26-5-44
DMD 27 5 44

Chief Secy

should not make a circular about the same

WF 29/5/44

15/5/44
DMD 27/5/44

Continuation Sheet

File No

Cmprnt No

35

For Disposal at a ~~meeting~~ No C 1007.

Q 1943-44

GENERAL AND REVENUE SECRETARIAT

Council Matter

Subject

The Mysore City Municipalities (Amendment) Bill

Circulated to the Council of Ministers

By Order

27th May 1944. *Chief Secretary to Government.*

552/5 44 **Minister for Revenue and Law**

29/9/5 **Minister for Public Works**

Minister for L S G and Public Health

11/5 **Minister for Industries and Supplies**

134/31 **Minister for Education**

Law Sec'y

The Mysore City Municipalities (Amendment) Bill
The Mysore Town Municipalities (Amendment) Bill
The Mysore Village Panchayets (Amendment) Bill

Continuation Sheet

File No
Current No 471/BL/44-47

of

Page 36

132) Draft of a final note is submitted for approval
2N
9/6/44

134) Please put up after the Privy Council session is over
DD
7/9

17 ON
DRE

135) D.O. is submitted for Credentials
DAD
2.8.44
Law Secy)

OFFICE OF THE MINISTER FOR L S G & P H
Date 3 8 44
No 972

136) Yes
3.8.44
DAD
3/8/44

Member L-SG

137) Have not these been Bills been passed already
Sec
19 8 44
DAD
24/8/44

138) These Bills were not placed before the RA as due to the necessary information and copies of municipal acts of British Indian Provinces had to be obtained before drafting and the Bills could be got ready only after the Period of notice for the last session of the RA was over
Law Secy)
Minister (L&G)
DAD
24/8/44

139) Yes
29 8 44

OFFICE OF THE MINISTER FOR L S G & P H
28 8 44
No 1589

140) Two Copies of Signed D.N. put up
for
29/8/44

D S N is submitted for approval
2N
30/8/44
Law Secy)
DAD
31/8/44

Continuation Sheet

File No.

Current No.

DEW[illegible] OFFIC
31 AUG 1944
NO. 1501

1943

38

Final Note by the Minister for Local Self-Government and Public Health

Subject — The Mysore City Municipalities (Amendment) Bill. first
The Mysore Town Municipalities (Amendment) Bill. first
The Mysore Village Panchayat (Amendment) Bill.

Complaints have been received from several Municipalities that considerable amounts have to be written off every year as irrecoverable dues on vacant sites situated within their limits. In the absence of information regarding the whereabouts of the owners of such sites, coercive steps cannot be taken and recourse to civil suits leads to delay and expense

Three draft Bills have been prepared amending the Mysore City Municipalities Act, 1933, the Mysore Town Municipalities Act, 1933 and the Village Panchayat Act, 1926, respectively, empowering the City and Town Municipal Councils and Village Panchayats to take over unclaimed vacant sites for default of payment of taxes

It is proposed to introduce these measures in the Representative Assembly and the Legislative Council at their ensuing sessions

The Dewan and the other Ministers are agreeable to these proposals and I solicit the gracious approval of His Highness thereto

H B Gurumallappa

Bangalore,
29th August 1944

M I N I S T E R,
Local Self-Government and Public Health

1'14) 39

Submitted to His Highness

I submit herewith a Final Note by the Minister for Local Self-Government and Public Health on the subject of the proposal to amend

(1) The Mysore City Municipalities Act, 1933,
(2) The Mysore Town Municipalities Act, 1933, and
(3) The Mysore Village Panchayet Act, 1926,

for the gracious sanction of His Highness

N Madhava Rau

DEWAN

1421

40

Record of Cases submitted for the Orders of

His Highness the Maharaja

Subject.

Proposal to amend

(i) The Mysore City Municipalities Act, 1933,

(ii) The Mysore Town Municipalities Act, 1933 and

(iii) The Mysore Village Panchayet Act, 1926

196

Order

KN
4/9/'44

eneral and Revenue

Secretariat

146 41

SUBJECT —

Proposal to amend
(i) The Mysore City Municipalities Act, 193
(ii) The Mysore Town Municipalities Act; 193
and
(iii) The Mysore Village Panchayet Act, 1926

(*)

14 All urgent or confidential files returned with His Highness orders may in the absence of instructions or indications to the contrary be ordinarily circulated to the Ministers for perusal after the issue of orders

16 The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Ministers

17 In all other cases the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders

Circulated to Council of Ministers for perusal of His Highness orders before/after issue of orders (*Vide* Rules 14 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules) (*)

Vijayaraghavachary
Chief Secretary to Government
7/9/44

Through the Secretary to Government

Law Department

7-9-44

1766 / 7 9 44 — Minister for Revenue and Law 8/9

1620 / 8/9 — Minister for Public Works 9 9

1847 / 11 9 — Minister for Local Self Govt and Public Health 11 9 44

2187 / 12 9 44 — Minister for Industries and Supplies 14/9

Minister for Education 14/9

2152 / 14/9/44

NOTE —Contn sheet

WD 66185—GPB—500—6 4 44

Law Secy) 15/9/44 16 9 44

(47) These Bills were taken up in the RA but not opposed by a majority

(48) Please ascertain from the RA their reports what the voting was in respect of each of these 3 Bills

SN 28/9/44

(49) for kindly furnishing the information

BVR 26/9 (Office of the Mysore Legislature)

MYSORE LEGISLATURE MY CSR 26 SEPT 1944 BANGALORE

BKR 26-9-44

(50) These three Bills were discussed first to vote and lost The following is the result of voting in respect of each Bill

1) Town Municipalities (First Amendment) Bill
For 75 Against 149

2) Town Municipalities (First Amendment) Bill
For 50 Against 123

3) Village Panchayat (Amendment) Bill
For 56 Against 126

Sd/ao 27 9 44

BKR 28-9

BS 27 9 44

Asst Secy (Legn for WC)

3/25

(51) None of these 3 Bills was opposed by a number which is greater than $\frac{2}{3}$ of the total no of members of the RA The Bills could therefore be proceeded with in the LC without appending any Special Statement

SECRETARIAT 30 SEP 44

For orders

SN 26 9 44

Law Secy)

It is necessary

WD 0726—CPB—20 000—15 9 44

The Mysore City Municipalities (Fourth Amendment) Bill
The Mysore Town Municipalities (Fourth Amendment) Bill
Continuation Sheet File No 48, dl of Page 89
Current No
The Mysore Village Panchayet (Amendment) Bill

Needed for the Assembly Session

Can
30-9-44
Sd/- 1.10.44

Secretary to G
29 Sept

153) Sd/-
13.10.44

OFFICE OF THE MINISTER
FOR L S G & P H
Date 2.10.1944
No 2636

OFFICE

NO 2549

154) Sd/- 16/10/44

Can 10 Nov

Sd/-
17.10.44

Mr 2 V

Orders are solicited for the publication of the Bill with the Statement of objects and Reasons under rule 36 of the Mysore Legislature Rules

The statement of principles will be adopted as the Statement of Objects and Reasons, if approved

24/10/44
BVN
24/10

Publication may be ordered under rule 26 36 of the Legislature Rules, if principles have been adopted as Statement of Objects and Reasons

Sd/-
24.10.44

DE FT
26 OCT 1944
F C 2812

SECY LEW DEPT
3375
GOVT OF MYSORE

Law Secy)

May be published

Sd/-
25-10-44
Sd/- 26.10.44

Secretary

Sd/-
28.10

Can
28 Oct
Sd/-
30 Oct

159) Draft Notifications are submitted for affirm

20/30/11/44 Secy 30/10/44 Law Secy 30/10/44 Issue Secy 30/10/44

Vide 349c, GOVT OF M

To the compiler, Mysore gazette
No RL 1972 dated 11th Nov 1944
No RL 1973 — dated 11th Nov 1944,
No RL 1974 — dated 11th Nov 1944
Directs the publication of the Bills und
Rule 36 of the Mysore, Legislative Rules

161) The following motions for the Le in
respect of the Mysore city Municipalities (First Amendment) Bill are suggested for
consideration

Tatively put up } 1 Mr O pulla Reddi, to introduce the
rs are solicited } Mysore city Municipalities (First Amendment) B
2 Also to move that the Bill be taken
into consideration
3 Also to move that the Bill be
passed

The following motions in
respect of the Mysore Town Municipa
lities (First Amendment) Bill are suggest
for consideration —

1 Rajamantrapravina Mr H B
Gundappa Gowda to introduce
The Mysore Town Municipalities (First Amen

Mysore City Municipalities (First Amendment) Bill
Mysore City Town Municipalities (First Amendment) Bill

ment) Bill

2. Also to move that the Bill be taken into consideration

3 Also to move that the Bill be passed

The following motions in respect of the Mysore Village panchayet (Amendment) Bill are suggested for consideration —

1 Rajamantrapravina Mr. H. B. Gundappa Gowda to introduce the Mysore Village panchayet (Amendment) Bill

2 Also to move that the Bill be taken into consideration

3 Also to move that the Bill be passed

24
13/11/44
14/11
Subbs

5) Motions in respect of all Bills may be suggested in one list

Sd/-
14.11.44

) Motions in respect of all Bills have been suggested & the-ill submitted separately for orders

14/11
Sd) [illegible]
15-11-44

The following motions, as revised in respect of the Mysore City Municipalities (First Amendment) Bill are put up as per orders in file bearing No 1332 RL:

The Mysore City Municipalities (First Amendment) Bill
The Mysore Town Municipalities (First Amendment) Bill
The Mysore Village Panchayet (Amendment) Bill

1 Rajamantraprawina Mr H B Gundappa Gowda to introduce the Mysore city Municipalities (First Amendment) Bill

2 Also to move that the Bill be taken into consideration

3 Also to move that the Bill be passed

The motions in respect of the Town Municipalities (First Amendment) Bill and the Village Panchayet (Amendment) Bill will stand as tabled on the page overleaf

as placed in the Mysore city and Municipalities, 1933

Mysore Village Panchayet Act, 1926 amended up to date)

26/23/11/44

ending Bills

Secy

(65) These Bills were introduced in the legislative council at the Last Session on 4-12-1944, but were not proceeded with under S.O 40 of the legislative council Standing Rules, they have lapsed after the dissolution of that Chamber It is for orders whether they have to be introduced at the ensuing Budget Session of the newly constituted legislative council

26/24/4/45

Secy 24/4

Mysore City Municipalities (Third Amendment)
The Mysore Town Municipalities (Third Amendment)

Continuation Sheet | File No / Current No | of | Page 4/1

The Mysore Village Panchayat (Amendment) Bill

(66) There are 3 Bills in the file
They seek to amend the City and
(67) Town Municipalities Acts and the Village
Panchayat Act for the same Purpose
(68) They are intended to provide for
Cases where taxes are in arrears for a
period of 6 years or over in respect of
vacant land which is reclaimed
and the owner is not known
(69) In such a case the Bills provide
for the resumption of the land by the
local body, subject to the
Procedure outlined in the Bills.
(70) These Bills were Placed before
the HA in September 44 but the
House did not approve of them.
(71) As the opposition was by a no
less than 2/3 of the total no of members
the Bills were ordered to be Proceeded
with in the Le, and were
introduced in the Le on 4.12.44
but for want of time were not
Proceeded with
(72) The two Houses of Legislature
have been dissolved and will be
deemed dissolved on June 1445
(73) The effect of this dissolution does
in Measures now deemed to
be dead

11) Rule 40 of the Mysore Legislature Rules provides that "on the dissolution of either Chamber, all Bills which have been introduced in the Chamber which has been dissolved, or have been laid on the table under rule 35 and which have not been passed, shall lapse"

15) Taking the case of the RA first it may be mentioned that two Bills were introduced but not passed the expression passed has not been defined and where, as in the case, a majority has voted against the Bills, they must be deemed to have not been passed

15) Section 26 of the first of Mysore Act which permits of a Bill being proceeded with in the Le even tho' a Bill is not passed by a majority of less than 2/3 of the total no of members cannot be considered as affecting the interpretation of Rule 40

14) Coming to the Le, these Bills were introduced but not passed

16) In both cases therefore these Bills must be considered to have lapsed

17) The next question for consideration

The Mysore City Municipalities Act
The Mysore Town Municipalities
C F 69] The Mysore Village Panchayat (Amendment)

Continuation Sheet File No / Current No of Page 47

is whether a Bill once not approved by the RA
Could again be Placed before it. It may be
stated that there is no provision
in the Act or in the Rules & Standing
Orders on this question

(8) Reference however is invited to
S.O. 23 of the RA & S.O. 23 of the LC
Standing Orders which state that a
Motion must not raise a question
substantially identical with one on which
the Assembly or Council has given a
decision in the same session

(9) In the present case, this S.O
does not be attracted if we decide
to Proceed with the Bill once again
in the RA It is however likely that
the Assembly may once again reject &
approve of these measures — the time
for the additional reason that they are
brought up in spite of an earlier
clear decision of the RA against them
Subs for orders

DD
28/4/65

Law Secy)

In the absence of clear provisions
as to whether a Bill once rejected by
the RA & yet is considered necessary
to proceed with it there

The Mysore city Municipalities (First Amendment) Bill
The Mysore town municipalities (First Amendment) Bill
The Mysore village panchayat (Amendment) Bill

C 69] 487/RL

Continuation Sheet 2 File No / Current No of Page 5 D

RE

7547

TEMPORARY
DEPARTMENT OF LAW
4297
8 JUL 45

Ag Secy

Dewan

CC
-3 Feb-
DW
15 45

(2 3) I shall be glad to know from the Minister for R & L & Ag & F the answer that these bills should be proceeded with

Mee
4/5/45

YS
7/5
5 Jul 45

Law Secy Does Govt have welfare benefit, if any on the land?

(1 3) -2) If the extent of loss to the Municipalities of Mysore & Bangalore every year during the last Six years known? If it is substantial we may have to proceed with the bill, but if it is only trivial it is not worth while pursuing further. What were the major grounds on which the R A threw out the bill last time?

Govt
8/7

CC
11-7-45
DW
11 5 45

Govt Secy
Ag Secy

WD 02139—GPB—20 000—26 2 45

The "land" referred to in the roll does not include buildings. It refers only to vacant sites

There is no information available about the loss of any income from this source during the last six years

Lawrence Lee 8776
11/5/45

(2) Get this information by phone

Lees
11/5/45

Lee 8776
11/5/45

A 'phone message was sent to the supervisor of Rent Office requesting that the Head Accountant should be asked to furnish the information by (16/5/45) perusal of the Registers

In regard to Rent Office, the Head Accountant stated that he would look into the Registers & furnish the information as far as possible

It may, however, be submitted that, if there were any large loss to the Municipality on account of the non-recovery of rents due thereon, the matter would have arisen for sanction of Govt in regard to the remission of such amounts

8794
Rents now in arrears can be collected hereafter

Secretary to Govt 3 days
Revenue Govt 926 20

Lawrence Lee 12/5/45

(11) In the meantime the file may be submitted to the Auditor General's Department for their views

Aud Gen 12.5.45

(12) I do not consider that any urgent need to pursue could be shown, & any urgent need to pursue could be shown on the Secretary who may want for some time longer.

Aud Gen 17.5.45

17-5-45

(13) Has the information been received from Inland Revenue?

The information is not yet received

A draft D.O. reminder is put up.

Inland Revenue Letter L 1130/45 11/5/45 D 22-5-45 for 1945 from the Income Tax Commissioners

A 4 P R 535/44 45 of 24-5-45 states that no amount under Sick Tax has been written off as irrecoverable, during the last six years

From the Secretary, Inland Revenue M.L. of M 2 b 3 / 44 45 D 24-5-45 forwarded the above information

The information required at paras 184 and 185, supra is noted below

1) The term 'land' referred to in the draft Bill does not include buildings it refers only to vacant sites | 1

2) a) No amount under Site tax has been written off as irrecoverable during the past six years in the Bangalore City Municipality. | 2

b) the amount written off in the Bangalore City Municipality is noted below

	Rs	B	P
1938-39	64	13	8
39-40	61	10	0
40-41	2	0	0
41-42	528	14	6
42-43	11	12	0
43-44	88	4	6

3) The information in regard to the major grounds on which the R A Three out this Bill last time has to be ascertained from the R A Branch

I just was carrying the R A proceedings of that year for

29/5

The R A discussions on the three Bills are contained on pages 78 to 90 of the printed proceedings Flag 'V'

The above three draft Amendment Bills were turned down in the R A

of Sept-October, 1944, for the following reasons

1) That under the Mysore City Improvement Trust Board Act the Trust Board continues to have its' claim over a Site Sold to a private party till a construction is actually put up by him on the Site and hence there is no necessity to amend the ~~City~~ Mysore City Municipalities Act

2) That cases of defaulters in paying Municipal Tax would be very few and the proposal to "resume" these Site, as noted in the draft Bill would be against the decision in the High Court according to which, the site in Question has to be Sold in auction to a third party, instead of being resumed by the Municipality

3) That it would be unfair to resume sites which may cost Rs 3000 to Rs 4000/, for just to recover the arrears of Municipal Tax which may not exceed Rs 50 or Rs 60

4) That defaulters would usually be poor people who would not be in a position to build up on their Sites against time limit and that the Amendment proposed would work as a great hardship on the poor people

5) That the Bill does not provide for Safeguarding the interests of "Minors", who will not be in a position either to pay the arrears or put up Structures

WD 02139—GI B—20 000—26 2 45

Amendment of the Suppression of Hotels Act, Temperance (Prohibition) Act, Prevention of Corruption Act, Registration of Births, Deaths and Marriages Act

6.) That it would encroach upon the powers of the Municipal Council, in discussion of such questions

7) That the Municipal Councils have not felt any necessity for amending the Rules, nor have they made a reference to the Govt.

8) That the arrears of Municipal Tax would be more on the Buildings, instead of on Vacant Sites etc.

Refer paras 184 to 187 of the Notes Supra (1.9.45)

9/6 Law Secy 14/6/45

200) Submitted for paras 194-195 - The question of the Municipal Councils Act para 192

Edn 8-11 Govt 19/6/45

Members Part 19/6/45

201) May be dropped for the present 7/7 9.7.45

1/8 Home 3/8/45

202) Submitted with reference to the Dewan's minute in para 183 ante 31/7

Law Secy 8/8/45

(Dewan) Home 3/8/

DEWAN'S OFFICE 1945 No. 684

Mem 6/8/45 Law 6/8/

ADDITIONAL SECRETARY

Serial No

For kind information & return - reference para 166 to 181 of the notes above

Asst Reg Legislative Dept for 6/8/45 - Seen & returned with thanks

Asst Secy Legislative Dept 7/8/45

Sweet

This will be B recorded now

7/8

Yes. I noted in the reference regarding your para reading 7/8

B

8/8

Mandya District,
Dated, Mandya, the 5th August 1942

From

M 108-42-4/57

C M H Ranajodna Singh, Esq, B A,
Deputy Commissioner,
Mandya District,
MANDYA

To

SECT LAW
3 AUG 1942
GOVT OF MYSORE

C Narayanaswami Naidu, Esq, B A, B L
Secretary to Government, (Law Department)
BANGALORE

Sir,

Subject -Writing off of irrecoverable vacant site Tax in Seringapatam Town Municipality

- -

In forwarding herewith the entire correspondence received on the above subject, from the President, Seringapatam Municipal Council, with his report No C H 91/41-42 Dated 27-6-42, I have the honour to state that the President reports that arrears of site tax amounting to Rs 596-3-4, relating to Seringapatam and Ganjam Divisions-could not be recovered as the whereabouts of the owners of the sites were not known and requests that sanction may be accorded to the same being written off the accounts The Municipal Council have resolved at their meeting held on 30-5-42 that the amount may be remitted

2 In this connection, I wish to bring to the kind notice of Government, that the demand on vacant sites is taken year after year in every Municipality and in a majority of the cases, the tax is found irrecoverable

File No

could be taken against [redacted]

for want of correct information regarding their whereabouts, Notices or warrants cannot be served on the parties on account of their absence from the place Thus, much difficulty is felt in every Municipality for the recovery of taxes on vacant sites It may not be out of place for me to suggest that unless the Municipal Councils are empowered to recover such taxes as arrears of Land Revenue, the chances of recovering the taxes in cases where the whereabouts of the owners are notk known, are few The consequence is that Municipal Councils stand to lose a good portion of their income on this item I am therefore of the opinion that the only remedy for the recovery of site tax is to empower the Municipal Councils to recover the taxes as arrears of Land Revenue I am making a separate reference for orders of Government in the matter

3. I request that in the circumstances stated by the President, sanction of Government may kindly be obtained to the sum of Rs 595-3-4 mentioned in the enclosed statements being written off the accounts,

The statements may kindly be returned when done with

I have the honour to be,
Sir,
Your most obedient servant
Basala Subramanyam
For Deputy Commissioner,
Mandya District

(Absent from Stat

3 R S App F VI—(G 2)

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the 193

Date of issue 15/10/ 1942

Signed by Mr KMN

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette Kannada Part ?

Section MI

File No 108-42

Serial No 8

Proceedings of the Government of His Highness the Maharaja of Mysore

Read— Letter No R 2440/42-3 dated 15.8.42, from the D.C. Mandya requesting, in the circumstances stated therein, sanction to write off the arrears of the tax amounting to Rs 596-3-4 outstanding in respect of Sengapatam and Ganjam devasthanas in Sengapatam Town Municipality, for the year 1941-42

ORDER

Arrears of Rs 413-3 and Rs 157/10 are pleased to direct that arrears of taxes of less than Rs 6/- each shown in the Statement enclosed with the D.C. Mandya's letter dated 15.8.42 be written off from the accounts, while those of Rs 5/1

2 Municipal case no 159/42 dated 18.9.42 from the Commissioner to Govt regarding the above. The subject

1 To

(May be [illegible] in the accounts [illegible]
and above retained for 3 years as
per clause (5) of Rule 82 A M, Provided
the requirements of rule 55 (under 2) and
82. A of A M Code have complied with

Last of Enclosure

Copied by

Examined by

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

R e a d : -

Letter No. A5 240/42-43 dated the 5th August 1942 from the Deputy Commissioner, Mandya District, requesting, in the circumstances stated, sanction to write off the arrears of site tax amounting to Rs. 596-3-4 as shown in the statement appended - outstanding in respect of Seringapatam and Ganjam Divisions in Seringapatam Town Municipality, for the year 1941-42.

2. Un-official Note No. 189/M dated the 16th September 1942 from the Comptroller to Government on the subject.

Order No. L 4132-3/Mul-108-42-8
Dated, Camp Mysore, 15 October 1942.

Government are pleased to direct that arrears of taxes of less than Rs. 5 each as shown in the statement has written off the accounts, while those of Rs. 5/- and above may be retained in the accounts of the Municipality for 3 years as per clause (5) of Rule 82, ~~Mysore~~ Municipal Accounts Manual, provided the requirements of Rules 55 (Note 2) and 84A of ~~Mysore~~ Municipal Accounts Manual have been also complied with.

K-M-Ramaswamy Iyengar

Secretary to Government,
Law Department

To

The Deputy Commissioner, Mandya District, with records,
The Comptroller to Government.

P.H.

G R S App F G 3

GENERAL AND REVENUE SECRETARIAT

(*Continuation sheet draft form*)

10 copies

L 5823-31 & 10/12/42

section Rel

File No 108-42

Sl No 18.

No

To,

The Deputy Commissioners of
Districts

Sir,

In connection with the recovery of arrears of taxes due on vacant sites in the municipalities of your Districts either by resumption or by having recourse to civil courts, I am directed to request you to very early forward a copy of the opinion said

to state that the opinions of the Munsifs in your district as regards the courts practice in the matter furnished to you some two or three years ago

I am

WD 03603—GPB—15 000—8-7 35

~~from each of you~~ ~~to you~~ ~~to get in the matter~~ ~~early~~ ~~by you to get~~ ~~two or three~~ ~~copies each~~ as previous to that now, copies are not easily traceable

I have etc

for secretary to Govt.

C F No. 46]

63

GOVERNMENT OF MYSORE

Telegram
Phone

No L Dis A 6 C 2288/42-43
Encls

OFFICE OF
The Deputy Commissr
Tumkur District
TUMKUR

Date 12th December 42

To
C Narayanaswami Naidu, Esq , B A , B L ,
Secretary to the Govt of Mysore,
Law Dept , Bangalore

Sir

Re the recovery of arrears of taxes on vacant sites in the Town and Minor Municipalities of this District

With reference to your letter No L 5823-31/M1 108-42-18 dated the 10th December 1342 requesting that a copy of this office letter addressed to Government some time back on the above subject may be furnished, I have the honor to forward herewith a copy of the same as desired

I have the honor to be,
sir,
Your most obedient servant,

For Deputy Commissioner,
Tumkur District
(Absent from the station)

AD 12/12

Copy of letter No A 6 C 4735/40-41 dated the 6th August 1941 from the Deputy Commissioner Tumkur District, Tumkur, to the Secretary to Government, Law Department, Bangalore

---

Re the recovery of mohatarfa arrears in municipalities by attaching the properties to which the arrears relate etc ,

---

With reference to your letter No L 8654-62 dated the 2nd June 41 forwarding an extract of discussions at the Dasara Session of the Representative Assembly held in June 1940 and calling for my views, on the above subject, I have the honour to suggest that the following changes may be made in the existing procedure -

1 The issue of bills prior to demand notice may be dispensed with, since the purpose of issuing bills, viz, of affording the party an opportunity for verification as to the demand made, will be served by the issue of demand notice

2 The building or land on which the tax is due, which is primarily liable for such tax next to land revenue, must be allowed to be brought to sale by the issue of 15 days' sale notice, which may be required to be published in the Mysore Gazette In the case of taxes in which the person is assessed like the profession tax or tax on ~~xxxx~~ dogs etc , the Municipality may be allowed to prosecute the party for the said recovery of those taxes before the criminal court as is done in British India, in addition to the power of distraint now allowed under the Town Municipalities Act of 1933

3 In regard to the recovery of municipal taxes on vacant sites when, the whereabouts of the owners are not known, a notice calling upon the claimants, if any, of such sites, to establish their right of ownership and pay the outstanding arrears within a period of six months from the date of notice published by the Municipal Council and when after the said ~~xxxx~~ period of six months, no claimants are forthcoming, the ownership of such sites shall automatically vest in the Municipal Council, free of all encumbrances and the Municipal Council being empowered to deal with the property as they deem fit

The only procedure now open to the Municipal Councils under the T ' Act of 1933, for the recovery of taxes from defaulters in respect of immovable properties, is the institution of Civil proceedings in a competent Court which is not only cumbersome but also ineffective in most of the cases, involving unnecessary delay and cost to the Municipal Councils In order to obviate all the difficulties I am of opinion that it is necessary that a suitable and effective provision should be made in the Act to enable the Municipal Councils to easily proceed to for the recovery of taxes, without involving delay and unnecessary cost

---

" COPY "

For Deputy Commissioner
Tumkur District

C. 2317-181/42
one

OFFICE OF THE DISTRICT MAGISTRATE,
& the Deputy Commissioner,
KADUR DISTRICT

Dated Chikmagalur, 14th Dece 1942

Rel 108-42-23

The DISTRICT MAGISTRATE
& the Deputy Commissioner
KADUR DISTRICT

GEN & J.D. SECT. 3248/42
16 DEC 1942
L S G BRANCH

SECY. LAW DEPT 2

To THE SECRETARY TO THE GOVERNMENT OF
HIS HIGHNESS THE MAHARAJA OF MYSORE,
LAW - DEPARTMENT,
BANGALORE

SIR

With reference to your letter No L 5823-31/M1 108-42-18 dated 10th December 1942, requesting me to forward a copy of the opinion furnished, regarding the recovery of arrears of taxes on vacant sites in the Municipalities, either by resumption or by having recourse to Civil Courts, etc, I have the honour to enclose herein, a copy of this office letter No L Dis 2347/1939-40 dated 13-1-1940, expressing the opinion of the then Deputy Commissioner in the matter The said letter was sent in reply to letter No L 5862-72 dated 3-1-1940, from the Secretary to Government, Law Department The opinions of the Municipal Councils had not been called for.

I have the honour to be
SIR,
Your most obedient servant,

DEPUTY COMMISSIONER
15/12/42

H P R

66

Copy of letter No L Dis 43-2347/39-40 dated 13-1-1940 from the Deputy Commissioner, Kadur District, Chickmagalur, to the Secretary to Government, Law Department, Bangalore

&&

With reference to your letter No L 5862-72 dated 3rd January 1940 regarding the recovery of arrears of Municipal tax in respect of sites where the names of claimants are not ascertainable, I have the honour to state that the difficulties referred to have been experienced in some of the Municipalities of this District It is ascertained that there are a number of such cases in Tarikere Town, where the Municipal Council filed suits against the assessees concerned In some cases, it is learnt that the suits were dismissed for furnishing the correct name and address of the parties This information could not be ascertained The question is still unsettled

2 There have been a few such cases in Narasimharajapura Minor Municipality where the arrears have accumulated for absence of parties. As the Municipal Council could not recover the amount and could not find out the names of owners, they have now changed the khates of such sites to the Municipality It is reported that there are no objections from any person for this action However it appears desirable that as suggested by the Deputy Commissioner, Kolar some legal sanction is provided for such a course

"" Copy ""

Deputy Commissioner,
Kadur District

15/2

H P R

GOVERNMENT OF MYSORE

Telegr pl Ala

OFFICE OF

The Deputy Commissioner,

Kolar District.

No A5 C.1496/42-43
Encls one

Date 6th January 1943

To

The Secretary to Government of Mysore,

Law Department,

Bangalore

Sir,

I have the honour to forward herewith for favour of your information a copy of this office letter No A5 C 1862/39-40 dated 30-5-1940 regarding the recovery of Municipal Tax in respect of Vacant sites when the names of claimants are not ascertainable, as desired in your letter No L 5823-31/M1 108-42-18 dated 10-12-42

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Kolar District.

P'S

Immediate letter No.I.Dis.A5 C 1862/39-40 dated 30-5-40 from the Deputy Commissioner Kolar District, to the Secretary to Govt of Mysore, Law Department, Bangalore

---

Subject - Recovery of Municipal Tax in respect of vacant sites when the names of claimants are not ascertainable

With reference to correspondence ending with your D.O No.L 9728-31 dated 21-5-1940 calling for my opinion in regard to the above subject, I have the honour to state that from the Reports received from the presidents of the several Town and Minor Municipalities in this district it is seen that no instances of the kind in question have been met with in any of the Municipalities except - Bowringpet The president of the Bowringpet Municipality reports that no action was taken in the one or two cases met with in the Municipality

The subject was also fully discussed in the meeting of the officers of the District held in my office on the 26th August 1939 The town and Minor Municipal Acts provide for the recovery of taxes by recourse to coercive processes in respect of movable properties only and not in respect of immovable properties The only way at present open to the Municipal authorities for the recovery of taxes from defaulters in respect of immovable properties is by instituting Civil proceedings, in a competent Civil Court The same procedure has to be adopted for the recovery of taxes in respect of vacant sites when the whereabouts of the owners are not known In many cases, it may not be worthwhile to adopt this procedure if the delay and expenditure involved in this behalf are considered When the taxes are thus left uncollected for a number of years, the Municipal Council should perforce write off the dues as irrecoverable, and be thus deprived of its legitimate income In order to prevent this, some provision of law similar to that in force in respect of movable properties seems to be necessary

On a consideration of all the aspects of the question, I am of opinion that a suitable provision be inserted in the Acts to the effect that when a notice calling upon the claimants, if any,

of such sites to establish their claims and pay the outstanding arrears within a period of six months, from the date of notice has been published by the Municipal Council and when after the said period of six months, no claimants are forthcoming, the ownership of such sites shall automatically vest in the Municipal Council free of all encumbrances, the Municipal Council being empowered to deal with the property as they deem fit.

The above opinion was expressed by me in the officers' meeting held on 14-8-1939 in the Public Officers, Bangalore

---

"Copy"

Deputy Commissioner,
Kolar District.

vs

THE MYSORE CITY MUNICIPALITIES (Amendment) BILL

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933,

It is hereby enacted as follows--

1 (i) This Act may be called the Mysore Municipalities (Amendment) Act 194

(ii) It shall come into force at once

2 After Section 200 of the Mysore City Municipalities Act 1933, the following new Section shall be inserted , namely --

"200 A (1) Where, in respect of land situated within a municipality, the whole or any part of any amount recoverable under the provisions of Chapter VIII or of Section 198 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the municipal council may, by notification in the Official Gazette, call upon the owner or any person interested therein to appear before the person, and within the period, to be specified in the said notification to show cause why the said land should not be resumed and vest in the municipality The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality, and the amount due in respect the land

(2) Where the owner or any person interested in the land appears and shows cause to the satisfaction of the person specified in the aforesaid notification and pays to the municipality the amount due on the land, further proceedings shall not be taken under this Section

(3) Where no person appears within the

the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the municipal council accordingly and the municipal council may thereupon direct that the said land be ~~resumed to~~ the municipality Such order shall be published in the Official Gazette and shall take effect from the date of such publication

(4) Any person aggrieved by an order of the municipal council made under sub-section (3) may, within (three) years from the date of the order, apply to the ~~principal~~ civil court ~~of original~~ jurisdiction to set aside such order and the court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided however that such order shall not be liable to be set aside unless the applicant has deposited in court for the benefit of the municipal council the amount due on the land "

THE MYSORE TOWN MUNICIPALITIES (Amendment) AMENDMENT BILL

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act,1933,

It is hereby enacted as follows--

1 (1) This Act may be called the Mysore Municipalities (Amendment) Act 191

(ii) It shall come into force at once

2 After Section 177 of the Mysore Town Municipalities Act 1933, the following new Section shall be inserted , namely --

" 177A (1) Where in respect of land situated within a munipality, the whole or any part of any amount recoverable under the provisions of Chapter VIII or of Section 175 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the municipal council may, by notification in the Official Gazette, call upon the owner or any person interested therein to appear before the person, and within the period, to be specified in the said notification, to show cause why the said land should not be taken over and become the property of and vest in the municipality The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality, and the amount due on account of the land

(2) Where the owner or any person interested in the land appears and shows cause to the satisfaction of the person specified in the aforesaid notification and pays to the municipality the amount due on the land, further proceedings shall not be taken under this Section

(3) Where no person appears within the of

the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the municipal council accordingly and the municipal council may thereupon direct that the said land be ~~resumed~~ to the municipality, which order shall be published in the Official Gazette and shall take effect from the date of such publication

(4) Any person aggrieved by an order of the municipal council made under sub-section (3) may, within (three) years from the date of the order, apply to the ~~principal~~ civil court ~~of original~~ jurisdiction to set aside such order and the court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided however that such order shall not be liable to be set aside unless the applicant has deposited in court for the benefit of the municipal council the amount due on the land "

Proposed amendment to the City

Municipalities Act as revised by me
(The effect of the Town Mc'ties Act is null)

"200 A(1) Where in respect of land situated within a Municipality the whole or any part of any amount recoverable under the provisions of Ch VIII or of S 198 of the Act is in arrears for a period of (a) six years and the land is unclaimed and the owner thereof is not known, the Municipal Council may, by publishing a notification in the Mysore Gazette, and by beat of tom tom on the said land, call upon the owner of, or any person interested in, the land, to pay the said arrears within three months from the date of such notification The notification shall contain such detailed particulars of the land as may be necessary to identify the land, the name of the last owner as entered in the registers of the -- Municipality, and full details of the arrears due, and shall also set out that, in default of payment of the entire arrears within the said period, the land would be (b) {taken over} by, and become the property of, the Municipality

(a) In my opinion six years is too long a period to ask the Municipality to wait for their taxes and I would make it into three years, especially as so many safeguards are provided for the protection of the owner

(b) I have substituted "taken over" for "~~received~~" as resumption involves that the land was originally granted by the Municipality which may not be the case

(2) ~~When~~ If the owner or other person interested in ~~xxxxxx~~ the land makes such payment of the said arrears within the said period, no further proceeding shall be taken under this section

(3) ~~When~~ If the said arrears ~~is~~ are not paid within the said time, the matter shall be brought up before the next meeting of the Municipal Council who may thereupon decide, that such land be taken over by the Municipality Such decision shall be published in the Mysore Gazette and thereupon the land shall -- become the property of the Municipality as from the date of

Appendix F G—1]

SUBJECT

71

Immediate

Section M

File No

Serial No

Diary No of letter replied to 4/26/L

No L 5014

To

The R C

Sir,

I am directed to request you kindly to furnish within three days information as to the practice prevailing in respect of the following matter and the authority for such practice —

a) Under section 40 of the VP Act, the recovery of dues is effected by the Amildar in respect of resumption also, should notices issue from the Amildar or the Panchayet-?

General and Revenue Secretariat

( )

the *194*

Date of issue 13/11/43

Signed by Mstg. R. Rao

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—24 10 41

to which land is resumed, according
to the Proclamation in force at the time of
the Panchayet of the Son.

This may kindly be treated as immediate

Yours Etc.,

Asst. II

G.

Secy. Govt.

Land Dept.

-79

VP 41-43-5

No. A5.4567/43-44.

OFFICE OF THE REVENUE COMMISSIONER
IN MYSORE.

Dated, Bangalore, 17th December'43.

To

C. Narayanaswami Naidu, Esq., B.A., B.L.,
Law Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

SECY LAW DEPT
GEN & REV SECRETARIAT 3876 21 DEC 1943 L S G BRANCH

Sir,

Subject - Village Panchayets - Resumption of property in case of default in the payment of Taxes, Vesting of -

With reference to your letter No. L.5014 dated the 15th November 1943 on the above subject, I have the honour to state that according to Section 40 of the Village Panchayet Act, as amended by Act XIV of 1938, the amount of Taxes, Fees or other dues, shall be paid in such manner as may be prescribed and in case of default of such payment, it is liable to be recovered as an arrear of Land Revenue by the Amildar, and nothing contained in this Section precludes the Amildar from instituting a suit for any amount due under the Village Panchayet Act, and no proceedings can be taken for the recovery of the Tax, more than 6 years after the amount became due

According to Section 54 of the Land Revenue Code, land revenue proper is a paramount charge and default in payment of the dues makes the occupancy liable to be forfeited together - with all rights of the occupant and the Deputy Commissioner is authorised to levy all sums in arrear by sale of the occupancy or may otherwise dispose it of There is no provision in the Village Panchayet Act corresponding to Section 54 of the Land Revenue Code and therefore any tax which is payable in accordance with the provisions of the Village Panchayet Act, in - - respect of any property is not a paramount charge on the said property. Consequently, the property on which the tax is due, cannot be forfeited, and as such the question of resumption - does not arise.

P.T.O

arise.

I have the honour to be,
Sir,
Your most obedient servant,

M Deichaden

Revenue Commissioner.

K.Y.

Append[illegible] F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

(,

the 194

Date of issue 24/2

Signed by Mr G R Rao

List of enclosures

Copied by

Examined by

Section VP

File No 41-43

Serial No 6

No L8777

To

The Rev Bower

Sir,

With refce to the correspondence ending with your letter No AS-4567/43-44 dated 17-12-43 on the above subject, I am directed to state that it is proposed to amend the V-P Act so as to provide for the resumption of the sites within the limits of the Village Panchayats in cases where the land tax due thereon has not been paid for a period of six years and the land is unclaimed and the owners whereabouts of the thereof are not known. I am to request you in this connection

to

Kindly furnish your opinion on the following.

1) Whether the Collectors may be empowered to issue notices in cases of resumption of suits for arrears due to the Govt by the persons in whom the land may be vested in the Panchayats themselves

2) When the land is resumed, in whom shall the Vest—

Whether in the Panchayats or the Govt—in the Rev Dept

~~How and to any body be exercised in the case of~~

This may usually be treated as immediate

~~Contract to be executed and your opinion~~

~~Submitted to Govt—very early~~

I have etc

A very early reply is requested

for Secy to Govt—
Law Dept—

Office of the Revenue Commissioner in Mysore

No AS 6015/43-44. Bangalore 20th April 1944

SECY DEPT 21 APR 1944 GOVT OF MYSORE

GEN & F 6618 44 LAW DEPT

From

Rajasevaprasakta
M Seshadri Esq M A ,
Revenue Commissioner in Mysore

To

C Narayanswami Naidu Esq B A , B L ,
Secretary to the Government of
His Highness the Maharaja of Mysore,
Law Department, Bangalore

Resumption of sites for arrears of Village Panchayet taxes

Sir,

With reference to the correspondence ending with your letter No L 9650 dated 17th March 1944, on the above subject, I have the honour to state that there is no objection to resume vacant sites within the limits of the Village Panchayets in cases where the tax due thereon is in arrears and has not been paid for a period of 6 years and the land is unclaimed and the whereabouts of the owner thereof are not known

2 According to the existing procedure, the collection of Village Panchayet taxes is being done by the village officers, and I think that notices of resumption in cases of the kind under reference should issue from the Amildars

3 As regards the ownership of the sites so resumed, it seems to me that the ownership thereof should naturally vest in them

4 In this connection, I would suggest that before actually resuming a site, sufficient publicity should be given to the impending resumption in the village concerned

I have the honour to be,
Sir,
Your most obedient servant,

Revenue Commissioner

G R

84

THE MYSORE CITY MUNICIPALITIES (Amendment) BILL

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933

It is hereby enacted as follows -

1 (1) This Act may be called the Mysore City Municipalities (Amendment) Act, 194

(2) It shall come into force at once

2 After Section 200 of the Mysore City Municipalities Act, 1933, the following new section shall be inserted, namely -

"200-A (1) Where in respect of land situated within a municipality, the whole or any part of any amount recoverable under the provisions of Chapter VIII or of Section 198 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the Municipal Council may, by a notification in the Gazette, call upon the owner or any person interested therein to appear before the person, and within the period to be specified in the said notification, to show cause why the said land should not be resumed by the Municipality The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality and the amount due in respect of the land

'(2) Where the owner or any person interested in the land appears and pays to the municipality the amount due on the land, further proceedings shall not be taken under this section

(3) Where no person appears within the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the Municipal Council accordingly and the Municipal Council shall may, thereupon, direct that the said

TO

The [illegible] CITY [illegible] ([illegible], [illegible]

Statement of Principles

Municipalities lose considerable sums every year on account of irrecoverable taxes on vacant sites the owners of which are not known and cannot be traced coercive steps cannot be taken as their addresses are not known and civil suits lead to delay and expense

Government consider it desirable therefore that in such cases City Municipal Councils should be empowered to take over unclaimed vacant sites of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over sufficient safeguards have been provided in the Bill which has been drafted for this purpose

67

THE MYSORE TOWN MUNICIPALITIES (Amendment) BILL

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933,

It is hereby enacted as follows -

Short title and commencement

1 (1) This Act may be called the Mysore Town Municipalities (Amendment) Act, 194

(2) It shall come into force at once

Insertion of new section in Act of 1933

2 After Section 177 of the Mysore Town Municipalities Act, 1933, the following new Section shall be inserted, namely -

"177-A (1) Where in respect of land situated within a municipality, the whole or any part of any amount recoverable under the provisions of Chapter VIII or of section 175 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the municipal council may, by notification in the official Gazette, call upon the owner or any person interested therein to appear before the person and within the period to be specified in the said notification, to show cause why the said land should not be resumed by the municipality The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality, and the amount due in respect of the land

"(2) Where the owner or any person interested in the land appears and pays to the municipality the amount due on the land, further proceedings shall not be taken under this Section

"(3) Where no person appears within the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the municipal council accordingly and the municipal council may, thereupon, direct that the said land be resumed to the municipality, whereupon it shall vest in the municipality

P T O

The KYLOPE TO N MUNICIPALITIES (Amendment) BILL

Statement of ~~General~~ Principles

Complaints are being received from several municipalities that considerable amounts have to be written off every year as irrecoverable dues on vacant sites situated within their limits. In a majority of cases owners are not known and coercive steps cannot be taken in the absence of information regarding their whereabouts Recourse to civil courts results - in protracted litigation at considerable expense

Government have therefore considered it desirable that in such cases To n Municipal Councils should be empowered to take over unclaimed vacant sites of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguards have been provided in the Bill which has been drafted for this purpose

Sd/-

The Mysore Village Panchayat (Amendment) Bill

A Bill further to amend the Mysore Village Panchayat Act, 1926

Whereas it is expedient further to amend the Mysore Village Panchayat Act, 1926,

It is hereby enacted as follows -

short title and commencement

1 (1) This Act may be called the Mysore Village Panchayet (Amendment) Act, 194 .

(2) It shall come into force at once

2 After Section 40 A of the Mysore Village Panchayet Act, 1926, shall be renumbered as s 40-B and before the section as so renumbered the following new Section shall be inserted, namely -

insertion of new section 40A in Act of 1926

" 40 A (1) Where, in respect of land situated within a panchayat, the whole or any part of any amount recoverable under Section 40 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the Amildar may, by notification in the official Gazette, call upon the owner or any person interested therein to appear before the person, and within the period to be specified in the said notification, to show cause why the said land should not be resumed by the Panchayet The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the Panchayet, and the amount due in respect of the land

(2) Where the owner or any person interested in the land appears and pays to the Panchayet the amount due on the land, further proceedings shall not be taken under this section

(3) Where no one appears within the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the Amildar accordingly and the Amildar may thereupon direct that the said land be resumed by the Panchayet whereupon it shall vest in the Panchayet Such order shall be published in the Official Gazette and shall take effect from the date of such publication

(4) Any person aggrieved by an order of the Amildar made under subsection (3) may, within one year from the date of the order, apply to the civil court within whose jurisdiction the

the property is situate to set aside such order as Court, after taking such evidence as it considers necessary may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided however that such order shall not be liable to be set aside unless the applicant has deposited in court for the benefit of the panchayet the amount due on the land

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THE MYSORE VILLAGE PANCHAYET (Amendment) BILL

Statement of Principles

Several Village Panchayats are losing considerable sums of money every year on account of irrecoverable taxes on vacant sites the owners of which are not known and cannot be traced Coercive steps cannot be taken in the absence of information regarding the addresses of the owners Recourse to civil courts results in protracted litigation at considerable expense

Government consider it desirable therefore that in such cases the Village Panchayats should be empowered to take over unclaimed vacant sites of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguards have been provided in the Bill which is now brought forward for this purpose

See

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THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL

Statement of Principles

Municipalities lose considerable sums every year on account of irrecoverable taxes on vacant sites the owners of which are not known and cannot be traced Coercive steps cannot be taken as their addresses are not known and civil suits lead to delay and expense

2 Government consider it desirable, therefore, that in such cases City Municipal Councils should be empowered to take over unclaimed vacant sites of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguards have been provided in the Bill, which has been drafted for this purpose

THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933,

It is hereby enacted as follows —

1 (1) This Act may called the Mysore City Municipalities (First Amendment) Act, 194 , Short title and commencement

(2) It shall come into force at once

2 After section 200 of the Mysore City Municipalities Act 1933, the following new section shall be inserted namely — Insertion of new section 200-A in Act VIII of 1933

"200 A (1) Where in respect of land situated within a municipality, the whole or any part of any amount recoverable under the provisions of Chapter VIII or of section 198 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the Municipal Council may, by a notification in the Gazette, call upon the owner or any person interested therein to appear before the person, and within the period to be specified in the said notification, to show cause why the said land should not be resumed by the municipality The notification shall contain as complete particulars of the land as

is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality and the amount due in respect of the land

" (2) Where the owner or any person interested in the land appears and pays to the municipality the amount due on the land, further proceedings shall not be taken under this section

" (3) Where no person appears within the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the municipal council accordingly and the municipal council may, thereupon, direct that the said land be resumed to the municipality, whereupon it shall vest in the municipal council Such order shall be published in the Official Gazette and shall take effect from the date of such publication

" (4) Any person aggrieved by an order of the municipal council made under sub section (3) may, within one year from the date of the order, apply to the Civil Court within whose jurisdiction the property is situate to set aside such order and the Court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided, however, that such order shall not be liable to be set aside unless the applicant has deposited in Court for the benefit of the municipal council the amount due on the land '

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THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) BILL

Statement of Principles

Complaints are being received from several municipalities that considerable amounts have to be written off every year as irrecoverable dues on vacant sites situated within their limits In a majority of cases owners are not known and coercive steps cannot be taken in the absence of information regarding their whereabouts Recourse to civil courts results in protracted litigation at considerable expense

2 Government have therefore considered it desirable that in such cases Town Municipal Councils should be empowered to take over unclaimed vacant sites, of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguards have been provided in the Bill which has been drafted for this purpose

THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) BILL

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act 1933

It is hereby enacted as follows —

Short title and commencement

1 (1) This Act may be called the Mysore Town Municipalities (First Amendment) Act, 194

(2) It shall come into force at once

Insertion of new section 177 A in Act VIII of 1933

2 After section 177 of the Mysore Town Municipalities Act, 1933, the following new section shall be inserted, namely —

"177 A (1) Where in respect of land situated within a municipality, the whole or any part of any amount recoverable under the provisions of Chapter VIII or of section 175 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known the municipal council may, by notification in the Official Gazette, call upon the owner or any person interested therein to appear before the person and within the period

to be specified in the said notification, to show cause why the said land should not be resumed by the municipality The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality, and the amount due in respect of the land

'(2) Where the owner or any person interested in the land appears and pays to the municipality the amount due on the land, further proceedings shall not be taken under this section

"(3) Where no person appears within the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the municipal council accordingly and the municipal council may, thereupon, direct that the said land be resumed to the municipality, whereupon it shall vest in the municipality Such order shall be published in the Official Gazette and shall take effect from the date of such publication

'(4) Any person aggrieved by an order of the municipal council made under sub section (3) may, within one year from the date of the order, apply to the nearest civil court within whose jurisdiction the property is situate, to set aside such order and the Court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided, however, that such order shall not be liable to be set aside unless the applicant has deposited in Court for the benefit of the municipal council the amount due on the land

THE MYSORE VILLAGE PANCHAYET (AMENDMENT) BILL

Statement of Principles

1 Several village panchayets are losing considerable sums of money every year on account of irrecoverable taxes on vacant sites, the owners of which are not known and cannot be traced Coercive steps cannot be taken in the absence of information regarding the addresses of the owners Recourse to civil courts results in protracted litigation at considerable expense

2 Government consider it desirable, therefore, that in such cases the village panchayets should be empowered to take over unclaimed vacant sites of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguards have been provided in the Bill, which is now brought forward for this purpose

THE MYSORE VILLAGE PANCHAYET (AMENDMENT) BILL

A Bill further to amend the Mysore Village Panchayet Act, 1926,

Whereas it is expedient further to amend the Mysore Village Panchayet Act, 1926,

It is hereby enacted as follows —

Short title and commencement

1 (1) This Act may be called the Mysore Village Panchayet (Amendment) Act, 194 ,

(2) It shall come into force at once

Insertion of new section 40 A in Act II of 1926

2 Section 40 A of the Mysore Village Panchayet Act, 1926, shall be renumbered as section 40 B and before section as so renumbered, the following new section shall be inserted, namely —

"40 A (1) Where, in respect of land situated within a panchayet, the whole or any part of any amount recoverable under section 40 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the Amildar may, by notification in the Official Gazett , call upon the owner or any person interested therein o appear before the person, and within the period to be specified in the said notification, to show

cause why the said land should not be resumed by the panchayet The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the panchayet, and the amount due in respect of the land

"(2) Where the owner or any person interested in the land appears and pays to the panchavet the amount due on the land, further proceedings shall not be taken under this section

' (3) Where no one appears within the time specified or payment is not made of the amount due the person specified in the aforesaid notification shall report to the Amildar accordingly and the Amildar may thereupon direct that the said land be resumed by the panchayet whereupon it shall vest in the panchayet Such order shall be published in the Official Gazette and shall take effect from the date of such publication

"(4) Any person aggrieved by an order of the Amildar made under sub section (3) may, within one year from the date of the order, apply to the civil court within whose jurisdiction the property is situate to set aside such order and the Court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided, however, that such order shall not be liable to be set aside unless the applicant has deposited in Court for the benefit of the panchayet the amount due on the land

ಕಕ್ಕಿಗೆ ಈ ಮಸೂದಾ ಕಾನೂನು ರಚಿತವಾಗಿದೆ ಆದರೆ ಮೇಲೆ ಹೇಳಿದಂತೆ ಸಿಟಿ ಮುನಿಸಿಪಲ್ ಸಭೆಯವರು ಖಾಲಿ ನಿವೇಶನಗಳನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳುವ ಸಂದರ್ಭದಲ್ಲಿ, ಅವುಗಳ ಮಾಲೀಕರಿಗೆ ಅಥವಾ ಅವುಗಳಲ್ಲಿ ಪ್ರಯೋಜನಾಂತವುಳ್ಳವರಿಗೆ ಬಾಧಕವಾಗದಂತೆ ಸಾಕಷ್ಟು ರಕ್ಷಣಾ ಸಾಧನಗಳೂ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ಏರ್ಪಟ್ಟಿವೆ

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳ (ಮೊದಲನೆಯ ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನು

1933ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಆಕ್ಟನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದುಪಾಟು ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ,

ಈ ಮೂಲಕ ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಕಾನೂನನ್ನು ವಿಧಾಯಕ ಮಾಡಲಾಗಿದೆ —

ಚಿಕ್ಕ ಹೆಸರು ವ ತ್ತು ಪ್ರಾರಂಭ

1 (1) ಈ ಆಕ್ಟನ್ನು ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ 194 ನೆಯ ಇಸವಿಯ (ಮೊದಲನೆಯ ತಿದ್ದುಪಡಿ) ಆಕ್ಟು ಎಂದು ಕರೆಯಬಹುದು

(2) ಅದು ಈ ಮೊದಲೆ ಜಾರಿಗೆ ಬರತಕ್ಕದು

1933ನೆಯ ಇಸವಿಯ VIIನೆಯ ನಂಬರು ಆಕ್ಟಿನಲ್ಲಿ 200—A ಪ್ರಕರಣವನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸುವುದು

2 1933ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಸಿಟಿ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಆಕ್ಟಿನ 200ನೆಯ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಕೆಳಗೆ ಕಂಡ ಪ್ರಕರಣವನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸತಕ್ಕದು ಅದು ಯಾವುದೆಂದರೆ —

'200—A (1) ಒಂದು ಮುನಿಸಿಪಾಲಿಟಿಯೊಳಗೆ ಇರತಕ್ಕ ಜಮಾನಿನ ಸಂಬಂಧದಲ್ಲಿ VIIIನೆಯ ಅಧ್ಯಾಯದ ಅಥವಾ 198ನೆಯ ಪ್ರಕರಣದ ನಿಯಮಗಳ ಪ್ರಕಾರ ವಸೂಲಾಗಬೇಕಾಗಿರತಕ್ಕ ಯಾವುದಾದರೂ ಮೊಬಲಗಾಗಲಿ ಅಥವಾ ಅದರ ಯಾವುದಾದರೂ ಭಾಗವಾಗಲಿ ಆರುವರ್ಷಗಳ ಕಾಲದವರೆಗೆ ವಸೂಲಾಗದೆ ಬಾಕಿ ನಿಂತಿದ್ದು ಆ ಜಮಾನಿನ ವಿಷಯದಲ್ಲಿ ಯಾರಿಂದಲೂ ಹಕ್ಕು ತರಲ್ಪಡದೆ, ಮತ್ತು ಅದರ ಮಾಲೀಕನು ಗೊತ್ತಾಗದೆ ಇರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ, ಮುನಿಸಿಪಲ ಸಭೆಯವರು, ಆ ಜಮಾನಿನ ಮಾಲೀಕನಾಗಲಿ ಅಥವಾ ಅದರಲ್ಲಿ ಪ್ರಯೋಜನಾಂತವನ್ನುಳ್ಳ ಯಾವ ಮನುಷ್ಯನಾಗಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಾಗಿರತಕ್ಕ ಆಸಾಮಿಯ ಮುಂದೆ ಮತ್ತು ನಮೂದಾಗಿರತಕ್ಕ ಕಾಲಾವಧಿಯೊಳಗಾಗಿ ಹಾಜರಾಗಿ, ಆ ಜಮಾನನ್ನು ಮುನಿಸಿಪಾಲಿಟಿಯವರು ಏಕೆ ವಶಪಡಿಸಿಕೊಳ್ಳಕೂಡದೆಂಬುದಕ್ಕೆ ಸಮಜಾಯಿಷಿಯನ್ನು ಕೊಡುವಂತೆ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯನ್ನು ಪ್ರಕಟಿಸುವುದರ ಮೂಲಕ ಕೋರಬಹುದು ಆ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ, ಆ ಜಮಾನು ಇಂಥದೇ ಎಂದೂ ಗುರುತಿಸುವುದಕ್ಕೆ ಆವಶ್ಯಕವಾದ ಸಮಗ್ರ ವಿವರಗಳನ್ನೂ, ಮುನಿಸಿಪಾಲಿಟಿಯ ಲೆಕ್ಕದ ಪುಸ್ತಕಗಳಲ್ಲಿ ಕಂಡುಬರತಕ್ಕ ಪ್ರಕಾರ ಆ ಜಮಾನಿನ ಕಟ್ಟಕಡೆಯ ಮಾಲೀಕನ ಹೆಸರನ್ನೂ ಮತ್ತು ಆ ಜಮಾನಿನ ಸಂಬಂಧದಲ್ಲಿ ವಸೂಲಾಗಬೇಕಾಗಿರತಕ್ಕ ಬಾಕಿ ಮೊಬಲಗು ಎಷ್ಟೆಂಬುದನ್ನೂ ನಮೂದಿಸಿರತಕ್ಕದು

"(2) ಜಮೀನಿನ ಮಾಲೀಕನು ಅಥವಾ ಅದರಲ್ಲಿ ಪ್ರಯೋಜನಾಂಶವನ್ನುಳ್ಳ ಯಾವ ನಾದರೂ ಮನುಷ್ಯನು ಮೇಲೆ ಕಂಡಂತೆ ಹಾಜರಾಗಿ, ಜಮೀನಿನ ಮೇಲೆ ಮುನಿಸಿಪಾಲಿಟಿಗೆ ಬರಬೇಕಾಗಿರತಕ್ಕ ಬಾಕಿ ಮೊಬಲಗನ್ನು ಪಾವತಿ ಮಾಡಿದ ಪಕ್ಷದಲ್ಲಿ, ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಆ ಜಮೀನಿನ ವಿಷಯದಲ್ಲಿ ಮುಂದಿನ ನಡೆವಳಿಕೆ ಕ್ರಮಗಳನ್ನು ಕೈಕೊಳ್ಳತಕ್ಕುದಲ್ಲ

" (3) ಮೇಲೆ ಕಂಡ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಾಗಿರುವ ಕಾಲಾವಧಿಯೊಳಗಾಗಿ ಯಾವ ಮನುಷ್ಯನೂ ಹಾಜರಾಗದೆ ಹೋದಲ್ಲಿ ಅಥವಾ ಜಮೀನಿನ ಮೇಲೆ ಬಾಕಿ ನಿಂತಿರತಕ್ಕ ಮೊಬಲಗು ಪಾವತಿಯಾಗದೆ ಹೋದಲ್ಲಿ, ಆ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ಆಸಾಮಿಯು ಆ ವಿಷಯವನ್ನು ಮುನಿಸಿಪಲ್ ಸಭೆಗೆ ವರದಿ ಮಾಡತಕ್ಕುದು ಆ ತರುವಾಯ ಆ ಮುನಿಸಿಪಲ್ ಸಭೆಯವರು ಆ ಜಮೀನನ್ನು ಮುನಿಸಿಪಾಲಿಟಿಯ ಸ್ವಾಧೀನಕ್ಕೆ ವಹಿಸಿಕೊಳ್ಳುವಂತೆ ಹುಕುಂ ಮಾಡತಕ್ಕುದು ಅನಂತರ, ಆ ಜಮೀನು ಆ ಮುನಿಸಿಪಲ್ ಸಭೆಯವರ ವಶದಲ್ಲಿ ನೆಲಸಿರತಕ್ಕುದು. ಮುನಿಸಿಪಲ ಸಭೆಯವರು ಮಾಡಿರತಕ್ಕ ಆ ಹುಕುಮನ್ನು ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕುದು ಮತ್ತು ಆ ಹುಕುಮು ಆ ರೀತಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟವಾದ ತಾರೀಖಿನಿಂದ ಜಾರಿಗೆ ಬರತಕ್ಕುದು

" (4) ಮೇಲೆ ಕಂಡ (3)ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ಮುನಿಸಿಪಲ್ ಸಭೆಯವರಿಂದ ಮಾಡಲ್ಪಟ್ಟ ಹುಕುಮಿನಿಂದ ಬಾಧಕಹೊಂದಿದ ಯಾವ ಮನುಷ್ಯನಾಗಲಿ ಆ ಸ್ವತ್ತು ಯಾವ ಸಿವಿಲ್ ಕೋರ್ಟಿನ ಅಧಿಕಾರವ್ಯಾಪ್ತಿಗೊಳಪಟ್ಟ ಪ್ರದೇಶದಲ್ಲಿದೆಯೋ ಆ ಸಿವಿಲ್ ಕೋರ್ಟಿಗೆ, ಆ ಹುಕುಮನ್ನು ರದ್ದುಪಡಿಸುವಂತೆ ಆ ಹುಕುಮಿನ ತಾರೀಖಿನಿಂದ ಒಂದು ವರ್ಷದೊಳಗಾಗಿ ಅರ್ಜಿ ಹಾಕಿಕೊಳ್ಳಬಹುದು, ಅಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಕೋರ್ಟಿನವರು ತಾವು ಆವಶ್ಯಕವೆಂದು ಭಾವಿಸುವಂಥ ಸಾಕ್ಷ್ಯವನ್ನು ತೆಗೆದುಕೊಂಡನಂತರ, ಮುನಿಸಿಪಲ್ ಸಭೆಯವರ ಹುಕುಮನ್ನು ಖಾಯಂಗೊಳಿಸಬಹುದು ಅಥವಾ ರದ್ದುಪಡಿಸಬಹುದು ಆದರೆ ಕೋರ್ಟಿನವರು ಹಾಗೆ ಖಾಯಂಗೊಳಿಸಿ ಅಪ್ಪಣೆ ಮಾಡಿದ ಸಂದರ್ಭದಲ್ಲಲ್ಲೇ ಆಗಲಿ ಅಥವಾ ರದ್ದುಪಡಿಸಿ ಅಪ್ಪಣೆ ಮಾಡಿದ ಸಂದರ್ಭದಲ್ಲೇ ಆಗಲಿ, ಕೋರ್ಟು ವ್ಯವಹಾರದ ಖರ್ಚುಗಳನ್ನು ಅರ್ಜಿದಾರನೇ ವಹಿಸಬೇಕು

ಪರಂತು, ಅರ್ಜಿದಾರನು ಜಮೀನಿನ ಸಂಬಂಧವಾಗಿ ನಿಂತಿರತಕ್ಕ ಬಾಕಿ ಮೊಬಲಗನ್ನು, ಮುನಿಸಿಪಲ್ ಸಭೆಗೆ ಸಲ್ಲುವುದಕ್ಕಾಗಿ ಕೋರ್ಟಿನಲ್ಲಿ ರೇವಣಿ ಮಾಡಿದ ಹೊರತು, ಮುನಿಸಿಪಲ್ ಸಭೆಯವರು ಮಾಡಿರತಕ್ಕಂಥ ಹುಕುಮನ್ನು ಕೋರ್ಟಿನವರು ರದ್ದುಪಡಿಸಲು ಅವಕಾಶವಿರತಕ್ಕುದಲ್ಲ "

7 ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಟೌನ್ ಮುನಿಸಿಪಾಲಿಟಿಗಳ (ಮೊದಲನೆಯ ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನಿನ ನಿಯಮಗಳ ವಿವರ

ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ, ಮುನಿಸಿಪಲ್ ನರಹದ್ದುಗಳಲ್ಲಿರುವ ಅನೇಕ ಖಾತಾ ನಿವೇಶನಗಳ ಮೇಲೆ ಮುನಿಸಿಪಾಲಿಟಿಗಳಿಗೆ ವಸೂಲಾಗಬೇಕಾದ ತೆರಿಗೆಯ ಬಾಕಿಗಳು ವಸೂಲಾಗದೆ ಆ ಪೈಕಿ ಪ್ರತಿ ವರ್ಷವೂ ಗಣನೀಯವಾದಷ್ಟು ಮೊಬಲಗುಗಳನ್ನು ಅವು ಕರಡುಬಾಕಿಗಳೆಂದು ಪರಿಗಣಿಸಿ ಲೆಕ್ಕಗಳಿಂದ ವಜಾಮಾಡಬೇಕಾಗಿದೆಯೆಂದು ಹಲವು ಮುನಿಸಿಪಾಲಿಟಿಗಳಿಂದ ದೂರುಗಳು ಬರುತ್ತಿವೆ ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಆ ಖಾಲಿ ನಿವೇಶನಗಳ ಮಾಲೀಕರು ಗೊತ್ತಿರುವುದಿಲ್ಲ ಅವರ ವಿಳಾಸ ಮುಂತಾದ ವಿವರಗಳೇ ಗೊತ್ತಿಲ್ಲದಿರುವಾಗ ಅವರ ಮೇಲೆ ನಿರ್ಬಂಧಕವಾದ ಜಾರೀಕ್ರಮಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕಂತೂ ಅವಕಾಶವೇ ಇರುವುದಿಲ್ಲ ಸಿವಿಲ್ ಕೋರ್ಟುಗಳಲ್ಲಿ ದಾವೆ ಹೂಡಿ ವ್ಯವಹಾರ ನಡೆಯಿಸುವುದೆಂದರೆ, ಅದಕ್ಕೆ ಬಹಳ ದೀರ್ಘಕಾಲ ಹಿಡಿದು ಕಾಲವಿಳಂಬವಾಗುತ್ತದೆ ಅಲ್ಲದೆ, ವಿಶೇಷ ಖರ್ಚುವೆಚ್ಚಗಳೂ ತಗಲುತ್ತವೆ

2 ಆದುದರಿಂದ ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ, ಯಾವ ನಿವೇಶನಗಳ ವಿಷಯದಲ್ಲಿ, ಅವುಗಳ ಮಾಲೀಕರು ಗೊತ್ತಿರುವುದಿಲ್ಲವೋ ಮತ್ತು ಯಾವ ನಿವೇಶನಗಳ ಮೇಲೆ ಯಾರೂ ಯಾವ ಹಕ್ಕನ್ನೂ ತಂಟೆ ತಕರಾರು ಇರುವುದಿಲ್ಲವೋ ಅಂಥ ಖಾಲಿ ನಿವೇಶನಗಳನ್ನು, ಅವುಗಳ ಸಂಬಂಧದಲ್ಲಿ ವಸೂಲಾಗಬೇಕಾಗಿರತಕ್ಕ ತೆರಿಗೆಗಳು ಆರು ವರ್ಷಗಳ ಮತ್ತು ಅದಕ್ಕೆ ಮೇಲ್ಪಟ್ಟ ಕಾಲದ ವರೆಗೆ ವಸೂಲಾಗದೆ ಬಾಕಿ ನಿಂತಿರತಕ್ಕ ಕಾರಣಕ್ಕಾಗಿ ಮುನಿಸಿಪಾಲಿಟಿಗೆ ವಶಪಡಿಸಿಕೊಳ್ಳಲು, ಟೌನ್ ಮುನಿಸಿಪಲ್ ಸಭೆಯವರಿಗೆ ಅಧಿಕಾರವಿರುವಂತೆ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸುವುದು ಯುಕ್ತವಾಗಿದೆಯೆಂಬುದಾಗಿ ಸರ್ಕಾರದವರು ಭಾವಿಸಿರುತ್ತಾರೆ ಈ ಉದ್ದೇಶವನ್ನು ನೆರವೇರಿಸುವುದಕ್ಕಾಗಿ ಈ ಮಸೂದಾಕಾನೂನು ರಚಿತವಾಗಿದೆ ಆದರೆ ಮೇಲೆ ಹೇಳಿದಂತೆ ಟೌನ್ ಮುನಿಸಿಪಲ್ ಸಭೆಯವರು ಖಾಲಿ ನಿವೇಶನಗಳನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳುವ ಸಂದರ್ಭದಲ್ಲಿ, ಅವುಗಳ ಮಾಲೀಕರಿಗೆ ಅಥವಾ ಅವುಗಳಲ್ಲಿ ಪ್ರಯೋಜನಾಂಶವುಳ್ಳವರಿಗೆ ಬಾಧಕವಾಗದಂತೆ ಸಾಕಾದಷ್ಟು ರಕ್ಷಣಾಸಾಧನಗಳೂ ಮಸೂದಾಕಾನೂನಿನಲ್ಲಿ ಏರ್ಪಟ್ಟಿವೆ

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಟೌನ್ ಮುನಿಸಿಪಾಲಿಟಿಗಳ (ಮೊದಲನೆಯ ತಿದ್ದುಪಡಿ) ಮಸೂದಾಕಾನೂನು

1933ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಟೌನ್ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಆಕ್ಟನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದುಪಾಟು ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ

ಈ ಮೂಲಕ ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಕಾನೂನನ್ನು ವಿಧಾಯಕ ಮಾಡಲಾಗಿದೆ —

ಚಿಕ್ಕ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ

1 (1) ಈ ಆಕ್ಟನ್ನು ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಟೌನ್ ಮುನಿಸಿಪಾಲಿಟಿಗಳಿಗೆ ಸಂಬಂಧಪಟ್ಟ 194 ನೆಯ ಇಸವಿಯ (ಮೊದಲನೆಯ ತಿದ್ದುಪಡಿ) ಆಕ್ಟು ಎಂದು ಕರೆಯಬಹುದು

(2) ಇದು ಈ ಕೂಡಲೆ ಜಾರಿಗೆ ಬರತಕ್ಕದು

1933ನೆಯ ಇಸವಿಯ VIIIನೆಯ ನಂಬರಿನ ಆಕ್ಟಿನಲ್ಲಿ 177-A ಪ್ರಕರಣವನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸುವುದು

2 1933ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಟೌನ್ ಮುನಿಸಿಪಾಲಿಟಿಗಳ ಆಕ್ಟಿನ 177ನೆಯ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಕೆಳಗೆ ಕಂಡ ಪ್ರಕರಣವನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸತಕ್ಕದು ಅದು ಯಾವುದೆಂದರೆ —

"177-A (1) ಒಂದು ಮುನಿಸಿಪಾಲಟಿಯೊಳಗೆ ಇರತಕ್ಕ ಜಮೀನಿನ ಸಂಬಂಧದಲ್ಲಿ, VIIIನೆಯ ಅಧ್ಯಾಯದ ಅಥವಾ 175ನೆಯ ಪ್ರಕರಣದ ನಿಯಮಗಳ ಮೇರೆಗೆ ವಸೂಲಾಗಬೇಕಾಗಿರತಕ್ಕ ಯಾವುದಾದರೂ ಮೊಬಲಗಾಗಲಿ ಅಥವಾ ಅದರ ಯಾವುದಾದರೂ ಭಾಗವಾಗಲಿ ಆರು ವರ್ಷಗಳ ಕಾಲದ ವರೆಗೆ ವಸೂಲಾಗದೆ ಬಾಕಿ ನಿಂತಿದ್ದು, ಆ ಜಮೀನಿನ ವಿಷಯದಲ್ಲಿ ಯಾರಿಂದಲೂ ಹಕ್ಕು ತರಲ್ಪಡದೆ, ಮತ್ತು ಅದರ ಮಾಲೀಕನು ಗೊತ್ತಾಗದೆ ಇರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ, ಮುನಿಸಿಪಲ್ ಸಭೆಯವರು, ಆ ಜಮೀನಿನ ಮಾಲೀಕನಾಗಲಿ ಅಥವಾ ಅದರಲ್ಲಿ ಪ್ರಯೋಜನಾಂತವನ್ನುಳ್ಳ ಯಾವ ಮನುಷ್ಯನಾಗಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಾಗಿರತಕ್ಕ ಆಸಾಮಿಯ ಮುಂದೆ ಮತ್ತು ನಮೂದಾಗಿರತಕ್ಕ ಕಾಲಾವಧಿಯೊಳಗಾಗಿ ಹಾಜರಾಗಿ, ಆ ಜಮೀನನ್ನು ಮುನಿಸಿಪಾಲಟಿಯವರು ಏಕೆ ವಶಪಡಿಸಿಕೊಳ್ಳಕೂಡದೆಂಬುದಕ್ಕೆ ಸಮಜಾಯಿಷಿಯನ್ನು ಕೊಡುವಂತೆ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇಸ್ತಿಹಾರ್ನಾಮೆಯನ್ನು ಪ್ರಕಟಿಸುವುದರ ಮೂಲಕ ಕೋರಬಹುದು ಆ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ, ಆ ಜಮೀನು ಇಂಥದೇ ಎಂದು ಗುರುತಿಸುವುದಕ್ಕೆ ಆವಶ್ಯಕವಾದ ಸಮಗ್ರ ವಿವರಗಳನ್ನೂ, ಮುನಿಸಿಪಾಲಟಿಯ ಲೆಕ್ಕದ ಪುಸ್ತಕಗಳಲ್ಲಿ ಕಂಡುಬರತಕ್ಕ ಪ್ರಕಾರ ಆ ಜಮೀನಿನ ಕಟ್ಟಕಡೆಯ ಮಾಲೀಕನ ಹೆಸರನ್ನೂ ಮತ್ತು ಆ ಜಮೀನಿನ ಸಂಬಂಧದಲ್ಲಿ ವಸೂಲಾಗಬೇಕಾಗಿರತಕ್ಕ ಬಾಕಿ ಮೊಬಲಗು ಎಷ್ಟೆಂಬುದನ್ನೂ ನಮೂದಿಸಿರತಕ್ಕುದು

"(2) ಜಮೀನಿನ ಮಾಲೀಕನು ಅಥವಾ ಅದರಲ್ಲಿ ಪ್ರಯೋಜನಾಂತವನ್ನುಳ್ಳ ಯಾವನಾದರೂ ಮನುಷ್ಯನು ಮೇಲೆ ಕಂಡಂತೆ ಹಾಜರಾಗಿ, ಜಮೀನಿನ ಮೇಲೆ ಮುನಿಸಿಪಾಲಟಿಗೆ ಬರಬೇಕಾಗಿರತಕ್ಕ ಬಾಕಿ ಮೊಬಲಗನ್ನು ಪಾವತಿ ಮಾಡಿದ ಪಕ್ಷದಲ್ಲಿ, ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಆ ಜಮೀನಿನ ವಿಷಯದಲ್ಲಿ ಮುಂದಿನ ನಡೆವಳಿಕೆ ಕ್ರಮಗಳನ್ನು ಕೈಕೊಳತಕ್ಕುದಲ್ಲ

"(3) ಮೇಲೆ ಕಂಡ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಾಗಿರುವ ಕಾಲಾವಧಿಯೊಳಗಾಗಿ ಯಾವ ಮನುಷ್ಯನೂ ಹಾಜರಾಗದೆ ಹೋದಲ್ಲಿ, ಅಥವಾ ಜಮೀನಿನ ಮೇಲೆ ಬಾಕಿ ನಿಂತಿರತಕ್ಕ ಮೊಬಲಗು ಪಾವತಿಯಾಗದೆ ಹೋದಲ್ಲಿ, ಆ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ಆಸಾಮಿಯು ಆ ವಿಷಯವನ್ನು ಮುನಿಸಿಪಲ್ ಸಭೆಗೆ ವರದಿಮಾಡತಕ್ಕುದು ಆ ತರುವಾಯ ಆ ಮುನಿಸಿಪಲ್ ಸಭೆಯವರು ಆ ಜಮೀನನ್ನು ಮುನಿಸಿಪಾಲಟಿಯ ಸ್ವಾಧೀನಕ್ಕೆ ವಹಿಸಿಕೊಳ್ಳುವಂತೆ ಹುಕುಂ ಮಾಡತಕ್ಕುದು ಅನಂತರ, ಆ ಜಮೀನು ಆ ಮುನಿಸಿಪಲ್ ಸಭೆಯವರ ವಶದಲ್ಲಿ ನೆಲಸಿರತಕ್ಕುದು ಮುನಿಸಿಪಲ್ ಸಭೆಯವರು ಮಾಡಿರತಕ್ಕ ಆ ಹುಕುಮನ್ನು ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕುದು ಮತ್ತು ಆ ಹುಕುಮು ಆ ರೀತಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟವಾದ ತಾರೀಖಿನಿಂದ ಜಾರಿಗೆ ಬರತಕ್ಕುದು

"(4) ಮೇಲೆ ಕಂಡ (3) ನೆಯ ಒಳ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಮುನಿಸಿಪಲ್ ಸಭೆಯವರಿಂದ ಮಾಡಲ್ಪಟ್ಟ ಹುಕುಮಿನಿಂದ ಬಾಧಕಹೊಂದಿದ ಯಾವ ಮನುಷ್ಯನಾಗಲಿ, ಆ ಸ್ವತ್ತು ಯಾವ ಸಿವಿಲ್ ಕೋರ್ಟಿನ ಅಧಿಕಾರವ್ಯಾಪ್ತಿಗೊಳಪಟ್ಟ ಪ್ರದೇಶದಲ್ಲದೆಯೋ ಆ ಸಿವಿಲ್ ಕೋರ್ಟಿಗೆ ಆ ಹುಕುಮನ್ನ ರದ್ದುಪಡಿಸುವಂತೆ ಆ ಹುಕುಮಿನ ತಾರೀಖಿನಿಂದ ಒಂದು ವರ್ಷ ದೊಳಗಾಗಿ ಅರ್ಜಿ

ಹಾಕಿಕೊಳ್ಳಬಹುದು ಅಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಕೋರ್ಟಿನವರು ತಾವು ಆವಶ್ಯಕವೆಂದು ಭಾವಿಸುವಂಥ ಸಾಕ್ಷ್ಯವನ್ನು ತೆಗೆದುಕೊಂಡನಂತರ ಮುನಿಸಿಪಲ್ ನಭೆಯವರ ಹುಕುಮನ್ನು ಖಾಯಂಗೊಳಿಸಬಹುದು ಅಥವಾ ರದ್ದುಪಡಿಸಬಹುದು ಆದರೆ, ಕೋರ್ಟಿನವರು ಹಾಗೆ ಖಾಯಂಗೊಳಿಸಿ ಅಪ್ಪಣೆಮಾಡಿದ ಸಂದರ್ಭದಲ್ಲೇ ಆಗಲಿ ಅಥವಾ ರದ್ದುಪಡಿಸಿ ಅಪ್ಪಣೆಮಾಡಿದ ಸಂದರ್ಭದಲ್ಲೇ ಆಗಲಿ ಕೋರ್ಟು ವ್ಯವಹಾರದ ಖರ್ಚುಗಳನ್ನು ಅರ್ಜಿದಾರನೇ ವಹಿಸಬೇಕು

ಪರಂತು, ಅರ್ಜಿದಾರನು ಜಮೀನಿನ ಸಂಬಂಧವಾಗಿ ನಿಂತಿರತಕ್ಕ ಬಾಕಿ ಮೊಬಲಗನ್ನು, ಮುನಿಸಿಪಲ್ ನಭೆಗೆ ಸಲ್ಲುವುದಕ್ಕಾಗಿ ಕೋರ್ಟಿನಲ್ಲಿ ರೇವಣಿಮಾಡಿದ ಹೊರತು, ಮುನಿಸಿಪಲ್ ನಭೆಯವರು ಮಾಡಿರತಕ್ಕಂಥ ಹುಕುಮನ್ನು ಕೋರ್ಟಿನವರು ರದ್ದುಪಡಿಸಲು ಅವಕಾಶವಿರತಕ್ಕುದಲ್ಲ

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8 ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಗ್ರಾಮಪಂಚಾಯಿತಿಗಳ (ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನಿನ ನಿಯಮಗಳ ವಿವರ

ಹಲವು ಗ್ರಾಮಪಂಚಾಯಿತಿಗಳಲ್ಲಿ ಅನೇಕ ನಿವೇಶನಗಳು ಖಾಲಿಯಾಗಿ ಬಿದ್ದಿರುತ್ತವೆ ಅವುಗಳ ಮಾಲೀಕರುಗಳು ಗೊತ್ತಿರುವುದಿಲ್ಲ ಮತ್ತು ಅವುಗಳ ಮಾಲೀಕರನ್ನು ಪತ್ತೆ ಹಚ್ಚಿ ಕಂಡುಹಿಡಿಯುವುದಕ್ಕೂ ಸಾಧ್ಯವಿರುವುದಿಲ್ಲ ಇಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಆ ನಿವೇಶನಗಳ ಮೇಲೆ ಗ್ರಾಮಪಂಚಾಯಿತಿಗಳಿಗೆ ವಸೂಲಾಗಬೇಕಾದ ತೆರಿಗೆಗಳು ಅನೇಕ ವರ್ಷಗಳವರೆಗೆ ವಸೂಲಾಗದೆ ಬಾಕಿ ನಿಂತುಹೋಗಿರುತ್ತವ ಈಗ ಇದರಿಂದ ಗ್ರಾಮಪಂಚಾಯಿತಿಗಳಿಗೆ ಪ್ರತಿವರ್ಷವೂ ವಿಶೇಷ ಮೊಬಲಗು ನಷ್ಟವಾಗುತ್ತಿದೆ ಅಂಥ ನಿವೇಶನಗಳ ವಿಷಯದಲ್ಲಿ ನಿರ್ಬಂಧಕ ಜಾರಿ ಕ್ರಮಗಳನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೆ ಅವಕಾಶವಿರುವುದಿಲ್ಲ ಕಾರಣವೇನೆಂದರೆ ಆ ನಿವೇಶನಗಳ ಮಾಲೀಕರುಗಳಿಗೆ ನೋಟೀಸು ಕೊಡುವುದೇ ಮುಂತಾದುವಕ್ಕೆ ಅವರ ವಿಳಾಸಗಳೇ ಗೊತ್ತಿರುವುದಿಲ್ಲ ಸಿವಿಲ್ ಕೋರ್ಟುಗಳಲ್ಲಿ ದಾವೆ ಹೂಡಿ ವ್ಯವಹಾರ ನಡೆಯಿಸುವುದೆಂದರೆ ಅದಕ್ಕೆ ಬಹಳ ದೀರ್ಘಕಾಲ ಹಿಡಿದು ಕಾಲವಿಳಂಬವಾಗುತ್ತದೆ ಅಲ್ಲದೆ ಬಹಳ ಖರ್ಚು ವೆಚ್ಚಗಳೂ ತಗಲುತ್ತವೆ

2 ಆದುದರಿಂದ ಅಂಥ ಸಂದರ್ಭಗಳಲ್ಲಿ ಯಾವ ಖಾಲಿ ನಿವೇಶನಗಳ ವಿಷಯದಲ್ಲಿ ಅವುಗಳ ಮಾಲೀಕರು ಯಾರೆಂಬುದು ಗೊತ್ತಿಲ್ಲದೆ ಅವುಗಳ ಮೇಲೆ ಯಾರೂ ಯಾವ ಹಕ್ಕನ್ನೂ ತಂದಿರುವುದಿಲ್ಲವೋ ಅಂಥ ಖಾಲಿ ನಿವೇಶನಗಳನ್ನು ಅವುಗಳ ಸಂಬಂಧದಲ್ಲಿ ವಸೂಲಾಗಬೇಕಾಗಿರತಕ್ಕ ತೆರಿಗೆಗಳು ಆರು ವರ್ಷಗಳ ಮತ್ತು ಅದಕ್ಕೆ ಮೇಲ್ಪಟ್ಟ ಕಾಲದವರೆಗೆ ವಸೂಲಾಗದೆ ಬಾಕಿನಿಂತಿರತಕ್ಕ ಕಾರಣಕ್ಕಾಗಿ ವಶಪಡಿಸಿಕೊಳ್ಳಲು ಗ್ರಾಮಪಂಚಾಯಿತಿಗಳಿಗೆ ಅಧಿಕಾರವಿರುವಂತೆ ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವನ್ನು ಕಲ್ಪಿಸುವುದು ಯುಕ್ತವಾಗಿದೆಯೆಂಬುದಾಗಿ ಸರ್ಕಾರದವರು ಭಾವಿಸಿರುತ್ತಾರೆ ಈ ಉದ್ದೇಶವನ್ನು ನೆರವೇರಿಸುವುದಕ್ಕಾಗಿ ಈ ಮಸೂದಾ ಕಾನೂನು ರಚಿತವಾಗಿದೆ ಆದರೆ ಮೇಲೆ ಹೇಳಿದಂತೆ ಗ್ರಾಮಪಂಚಾಯಿತಿಗಳವರು ನಿವೇಶನಗಳನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳುವ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅವುಗಳ ಮಾಲೀಕರಿಗೆ ಅಥವಾ ಅವುಗಳಲ್ಲಿ ಪ್ರಯೋಜನಾಂತರವುಳ್ಳವರಿಗೆ ಬಾಧಕವಾಗದಂತೆ ಸಾಕಾದಷ್ಟು ರಕ್ಷಾಸಾಧನಗಳೂ ಈ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ಏರ್ಪಟ್ಟಿವೆ

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಗ್ರಾಮಪಂಚಾಯಿತಿಗಳ (ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನು

1926ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಗ್ರಾಮಪಂಚಾಯಿತಿ ಆಕ್ಟನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದುಪಾಟು ಮಾಡುವುದಕ್ಕಾಗಿ ಏರ್ಪಟ್ಟ ಮಸೂದಾ ಕಾನೂನು

1926ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಗ್ರಾಮಪಂಚಾಯಿತಿ ಆಕ್ಟನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದುಪಾಟುಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ,

ಈ ಮೂಲಕ ಈ ಕೆಳಗೆ ಕಂಡಂತೆ ಕಾನೂನನ್ನು ವಿಧಾಯಕಮಾಡಲಾಗಿದೆ —

ಚಿಕ್ಕ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ

1 (1) ಈ ಆಕ್ಟನ್ನು ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಗ್ರಾಮಪಂಚಾಯಿತಿಗಳಿಗೆ ಸಂಬಂಧ ಪಟ್ಟ 194 ನೆಯ ಇಸವಿಯ (ತಿದ್ದುಪಡಿ) ಆಕ್ಟು ಎಂದು ಕರೆಯ ಬಹುದು

(2) ಈ ಆಕ್ಟು ಈ ಕೂಡಲೇ ಜಾರಿಗೆ ಬರತಕ್ಕುದು

1926ನೆಯ ಇಸವಿಯ ಆಕ್ಟಿನಲ್ಲಿ 40-A ಎಂಬ ಪ್ರಕರಣವನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸುವುದು

2 1926ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಗ್ರಾಮಪಂಚಾಯಿತಿಗಳ ಆಕ್ಟಿನ 40-A ಪ್ರಕರಣವನ್ನು 40-B ಪ್ರಕರಣವೆಂದು ಕರೆದು ಆರೀತಿ ಹೊಸ ಅಂಕಿಯನ್ನು ಕೊಟ್ಟು ಆ ಪ್ರಕರಣಕ್ಕೆ ಹಿಂದೆ ಈ ಕೆಳಗೆ ಕಂಡ ಪ್ರಕರಣವನ್ನು ಹೊಸದಾಗಿ ಸೇರಿಸತಕ್ಕುದು ಆ ಹೊಸ ಪ್ರಕರಣವು ಯಾವುದೆಂದರೆ —

"40—A (1) ಒಂದು ಗ್ರಾಮಪಂಚಾಯಿತಿಯೊಳಗೆ ಇರತಕ್ಕ ಜಮಾನಿನ ಸಂಬಂಧದಲ್ಲಿ 40ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ವಸೂಲಾಗಬೇಕಾಗಿರತಕ್ಕ ಯಾವುದಾದರೂ ಮೊಬಲಗಾಗಲಿ ಅಥವಾ ಅದರ ಯಾವುದಾದರೂ ಧಾಗವಾಗಲಿ ಆರು ವರ್ಷಗಳ ಕಾಲದವರೆಗೆ ವಸೂಲಾಗದೆ ಬಾಕಿ ನಿಂತಿದ್ದು ಆ ಜಮಾನಿನ ವಿಷಯದಲ್ಲಿ ಯಾರಿಂದಲೂ ಹಕ್ಕು ತರಲ್ಪಡದೆ ಮತ್ತು, ಅದರ ಮಾಲೀಕರು ಗೊತ್ತಾಗದೆ ಇರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ, ಅಮಲ್ದಾರರವರು ಆ ಜಮಾನಿನ ಮಾಲೀಕನಾಗಲಿ ಅಥವಾ ಅದರಲ್ಲಿ ಪ್ರಯೋಜನಾಂಶವನ್ನುಳ್ಳ ಯಾವ ಮನುಷ್ಯನಾಗಲಿ ಇನ್ಸ್ಪೆಕ್ಷನ್ ಮೆಯಲ್ಲಿ ನಮೂದಾಗಿರತಕ್ಕ ಆನಾಮಿಯ ಮುಂದೆ ಮತ್ತು ನಮೂದಾಗಿರತಕ್ಕ ಕಾಲಾವಧಿಯೊಳಗಾಗಿ ಹಾಜರಾಗಿ ಆ ಜಮಾನನ್ನು ಗ್ರಾಮಪಂಚಾಯಿತಿಯವರು ಏಕೆ ವಶಪಡಿಸಿಕೊಳ್ಳಕೂಡದೆಂಬ ದಕ್ಕೆ ಸಮಜಾಯಿಷಿಯನ್ನು ಕೊಡುವಂತೆ, ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಇನ್ಸ್ಪೆಕ್ಷನ್ ಮೆಯನ್ನು ಪ್ರಕಟಿಸುವುದರ ಮೂಲಕ ಕೋರಬಹುದು ಆ ಇನ್ಸ್ಪೆಕ್ಷನ್ ಮೆಯಲ್ಲಿ ಆ ಜಮಾನು ಇಂಥದೇ ಎಂದು ಗುರುತಿಸುವುದಕ್ಕೆ ಆವಶ್ಯಕವಾದ ಸಮಗ್ರ ವಿವರಗಳನ್ನೂ ಗ್ರಾಮಪಂಚಾಯಿತಿಯ ಲೆಕ್ಕದ ಪುಸ್ತಕಗಳಲ್ಲಿ ಕಂಡು ಬರತಕ್ಕ ಪ್ರಕಾರ ಆ ಜಮಿನಿನ ಕಟ್ಟಕಡೆಯ ಮಾಲೀಕನ ಹೆಸರನ್ನೂ ಮತ್ತು ಆ ಜಮಾನಿನ ಸಂಬಂಧದಲ್ಲಿ ವಸೂಲಾಗಬೇಕಾಗಿರತಕ್ಕ ಬಾಕಿ ಮೊಬಲಗು ಎಷ್ಟೆಂಬುದನ್ನೂ ನಮೂದಿಸಿರತಕ್ಕುದು

"(2) ಜಮಾನಿನ ಮಾಲೀಕನು ಅಥವಾ ಅದರಲ್ಲಿ ಪ್ರಯೋಜನಾಂಶವನ್ನುಳ್ಳ ಯಾವನಾದರೂ ಮನುಷ್ಯನು ಹಾಜರಾಗಿ ಜಮಾನಿನ ಮೇಲೆ ಗ್ರಾಮಪಂಚಾಯಿತಿಗೆ ಪಾವತಿ ಮಾಡಿ ಬರಬೇಕಾಗಿರತಕ್ಕ ಬಾಕಿ ಮೊಬಲಗನ್ನು ಗ್ರಾಮಪಂಚಾಯಿತಿಗೆ ಪಾವತಿ ಮಾಡಿ ಪಕ್ಷದಲ್ಲಿ ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಆ ಜಮಾನಿನ ವಿಷಯದಲ್ಲಿ ಮುಂದಿನ ನಡೆವಳಿಕೆ ಕ್ರಮಗಳನ್ನು ಕೈಕೊಳ್ಳತಕ್ಕುದಲ್ಲ

"(3) ಮೇಲೆ ಕಂಡ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಾದ ಕಾರಾವಧಿಯೊಳಗಾಗಿ ಯಾವ ಮನುಷ್ಯನೂ ಹಾಜರಾಗದೆ ಹೋದಲ್ಲಿ ಅಥವಾ ದಾಕಿ ನಿಂತಿರತಕ್ಕ ಮೊಬಲಗು ಪಾವತಿಯಾಗದೆ ಹೋದಲ್ಲಿ, ಆ ಇಸ್ತಿಹಾರ್ನಾಮೆಯಲ್ಲಿ ನಮೂದಿಸಲ್ಪಟ್ಟಿರತಕ್ಕ ಆನಾಮಿಯು ಆ ವಿಷಯವನ್ನು ಅಮಲ್ದಾರರವರಿಗೆ ವರದಿಮಾಡತಕ್ಕುದು, ಆ ತರುವಾಯ ಅಮಲ್ದಾರರವರು ಆ ಜಮೀನನ್ನು ಗ್ರಾಮಪಂಚಾಯಿತಿಯವರು ತಮ್ಮ ಸ್ವಾಧೀನಕ್ಕೆ ವಹಿಸಿಕೊಳ್ಳುವಂತೆ ಹುಕುಂಮಾಡತಕ್ಕುದು. ಅನಂತರ, ಆ ಜಮೀನು ಆ ಗ್ರಾಮ ಪಂಚಾಯಿತಿಯವರ ವಶದಲ್ಲಿ ನೆಲಸಿರತಕ್ಕುದು ಆ ಹುಕುವನ್ನು ಸರ್ಕಾರಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟಿಸತಕ್ಕುದು ಮತ್ತು ಆ ಹುಕುಮು ಆ ರೀತಿ ಗೆಜೆಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟವಾದ ತಾರೀಖಿನಿಂದ ಜಾರಿಗೆ ಬರತಕ್ಕುದು,

(4) ಮೇಲೆ ಕಂಡ (3) ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಮಲ್ದಾರರವರಿಂದ ಮಾಡಲ್ಪಟ್ಟ ಹುಕುಮಿನಿಂದ ಬಾಧಕಹೊಂದಿದ ಯಾವ ಮನುಷ್ಯನಾಗಲಿ, ಆ ಸ್ವತ್ತು ಯಾವ ಸಿವಿಲ್ ಕೋರ್ಟಿನ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಗೊಳಪಟ್ಟ ಪ್ರದೇಶದಲ್ಲಿದೆಯೋ ಆ ಸಿವಿಲ್ ಕೋರ್ಟಿಗೆ ಆ ಹುಕುಮನ್ನು ರದ್ದುಪಡಿಸುವಂತೆ ಆ ಹುಕುಮಿನ ತಾರೀಖಿನಿಂದ ಒಂದು ವರ್ಷದ ಒಳಗಾಗಿ ಅರ್ಜಿಹಾಕಿಕೊಳ್ಳಬಹುದು, ಅಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಕೋರ್ಟಿನವರು ತಾವು ಆವಶ್ಯಕವೆಂದು ಭಾವಿಸುವಂಥ ಸಾಕ್ಷ್ಯವನ್ನು ತೆಗೆದುಕೊಂಡನಂತರ ಅಮಲ್ದಾರರವರ ಹುಕುಮನ್ನು ಖಾಯಂಗೊಳಿಸಬಹುದು ಅಥವಾ ರದ್ದುಪಡಿಸಬಹುದು ಆದರೆ ಕೋರ್ಟಿನವರು ಹಾಗೆ ಖಾಯಂ ಗೊಳಿಸಿ ಅಪ್ಪಣೆ ಮಾಡಿದ ಸಂದರ್ಭದಲ್ಲೇ ಆಗಲಿ ಅಥವಾ ರದ್ದುಗೊಳಿಸಿ ಅಪ್ಪಣೆ ಮಾಡಿದ ಸಂದರ್ಭದಲ್ಲೇ ಆಗಲಿ ಕೋರ್ಟು ವ್ಯವಹಾರದ ಖರ್ಚುಗಳನ್ನು ಅರ್ಜಿದಾರನೇ ವಹಿಸಿಕೊಳ್ಳಬೇಕು

ಪರಂತು, ಅರ್ಜಿದಾರನು ಜಮೀನಿನ ಸಂಬಂಧವಾಗಿ ನಿಂತಿರತಕ್ಕ ದಾಕಿ ಮೊಬಲಗನ್ನು, ಗ್ರಾಮಪಂಚಾಯಿತಿಗೆ ಸಲ್ಲುವುದಕ್ಕಾಗಿ ಕೋರ್ಟಿನಲ್ಲಿ ಠೇವಣಿ ಮಾಡಿದ ಹೊರತು, ಅಮಲ್ದಾರರವರು ಮಾಡಿರತಕ್ಕಂಥ ಹುಕುಮನ್ನು ಕೋರ್ಟಿನವರು ರದ್ದುಪಡಿಸಲು ಅವಕಾಶವಿರತಕ್ಕುದಲ್ಲ'

೩ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಕಾಫಿ ವ್ಯಾಪಾರ ಸ್ಥಳಗಳ ಬಡಾವಣೆಯ (ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನಿನ ನಿಯಮಗಳ ವಿವರ

ಕಾಫಿ ವ್ಯಾಪಾರಸ್ಥಳಗಳಲ್ಲಿ ಕಾಫಿಯನ್ನು ಒಟ್ಟಾಗಿಯೂ ಮತ್ತು ಚಿಲ್ಲರೆಯಾಗಿಯೂ ಮಾರಾಟ ಮಾಡಬೇಕಾದ ಧಾರಣೆಗಳನ್ನು, ಸರ್ಕಾರದವರು ಬೋರ್ಡಿನವರೊಡನೆ ಪರ್ಯಾಲೋಚಿಸಿ ತರುವಾಯ ಗೊತ್ತುಮಾಡುವ ಅಧಿಕಾರವು ಅವರಿಗೆ ಈಗಿರುತ್ತದೆ ಈ ಅಧಿಕಾರವು 1941ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಕಾಫಿ ವ್ಯಾಪಾರಸ್ಥಳಗಳ ಬಡಾವಣೆಯ ಆಕ್ಟಿನ 7ನೆಯ ಪ್ರಕರಣದ (1) ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ಅವರಿಗೆ ದೊರೆತಿದೆ ಈ ರೀತಿ ಸರ್ಕಾರದವರು ಗೊತ್ತುಮಾಡುವ ಧಾರಣೆ ಅಥವಾ ಧಾರಣೆಗಳಿಗಿಂತಲೂ ಹೆಚ್ಚಿನ ಧಾರಣೆ ಅಥವಾ ಧಾರಣೆಗಳಲ್ಲಿ ಯಾವ ರಿಜಿಸ್ಟರಾದ ಮಾಲೀಕನಾಗಲಿ ಅಥವಾ ಲೈಸೆನ್ಸು ಪಡೆದಿರುವ ಕಾಫಿ ಹದಮಾಡುವವನಾಗಲಿ ಅಥವಾ ವ್ಯಾಪಾರಗಾರನಾಗಲಿ ಕಾಫಿಯನ್ನು ಮಾರಕೂಡದೆಂದು ಅದೇ 7ನೆಯ ಪ್ರಕರಣದ (2)ನೆಯ ಒಳಪ್ರಕರಣದಲ್ಲಿ ನಿಯಮವು ಏರ್ಪಟ್ಟಿದೆ ಆ ನಿಯಮಕ್ಕೆ ವಿರುದ್ಧವಾಗಿ ಒಬ್ಬ ರಿಜಿಸ್ಟರಾದ ಮಾಲೀಕನಾಗಲಿ ಅಥವಾ ಲೈಸೆನ್ಸು ಪಡೆದಿರುವ ಕಾಫಿ ಹದಮಾಡುವವನಾಗಲಿ, ಕಾಫಿಯ ಮಾರಾಟಕ್ಕೆ ವಿಧಾಯಕವಾಗಿರುವ ಧಾರಣೆ ಅಥವಾ ಧಾರಣೆಗಳಿಗಿಂತ ಹೆಚ್ಚಿನ ಧಾರಣೆ ಅಥವಾ ಧಾರಣೆಗಳಲ್ಲಿ ಕಾಫಿಯನ್ನು ಮಾರಾಟಮಾಡಿದರೆ ಅದಕ್ಕಾಗಿ ಈ ಆಕ್ಟಿನ 20ನೆಯ ಪ್ರಕರಣದ (1)ನೆಯ ಒಳಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಂಥವರನ್ನು ದಂಡನೆಗೆ ಗುರಿಪಡಿಸುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ ಆದರೆ, ಯಾವನೊಬ್ಬ ವ್ಯಾಪಾರಗಾರನಾದರೂ ಅದೇ ಅಪರಾಧವನ್ನು ಮಾಡಿದರೆ ಮಾತ್ರ, ಅವನನ್ನು ಪ್ರಾಸೆಕ್ಯೂಷ್ಷ್ ವ್ಯವಹರಣೆಗೆ ಗುರಿಪಡಿಸುವುದಕ್ಕೆ ಈ ಆಕ್ಟಿನ 20ನೆಯ ಪ್ರಕರಣದ (1)ನೆಯ ಒಳಪ್ರಕರಣದಲ್ಲಾಗಲಿ ಅಥವಾ ಈ ಆಕ್ಟಿನ ಮತ್ತಾವ ಪ್ರಕರಣದಲ್ಲಾಗಲಿ ಈಗ ನಿಯಮವು ಏರ್ಪಟ್ಟಿಲ್ಲ ಸರ್ಕಾರದವರಿಂದ ವಿಧಾಯಕವಾಗಿರುವ ಧಾರಣೆಗಳಿಗಿಂತಲೂ ಹೆಚ್ಚಿನ ಧಾರಣೆಗಳಿಗೆ ಕಾಫಿ ಮಾರಾಟ ನಡೆಯದಂತೆ ಕಾಫಿ ಧಾರಣೆಗಳನ್ನು ಹತೋಟಿಯಲ್ಲಡುವುದಕ್ಕೆ ಅಂಥ ನಿಯಮವು ಅವಶ್ಯವಾಗಿದ್ದೂ ಕೂಡ, ಈಗ ಅದು ಏರ್ಪಟ್ಟಿಲ್ಲ ವ್ಯಾಪಾರಗಾರನ ವಿಷಯದಲ್ಲಿ ಸಹ ಅಂಥ ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸುವುದು ಅಗತ್ಯವಾಗಿದೆ ಅದಕ್ಕಾಗಿ ಈ ಮಸೂದಾಕಾನೂನನ್ನು ರಚಿಸಲಾಗಿದೆ

ಈ ಮಸೂದಾ ಕಾನೂನಿನಲ್ಲಿ ವ್ಯಾಪಾರಗಾರನೆಂಬ ಪದದ ಅರ್ಥವನ್ನು ವಿವರಿಸಲಾಗಿದೆ ಯಾವ ವ್ಯಾಪಾರಗಾರನೇ ಆಗಲಿ ಈ ಆಕ್ಟಿನ 7ನೆಯ ಪ್ರಕರಣದ (2)ನೆಯ ಒಳಪ್ರಕರಣದ ನಿಯಮಗಳಿಗೆ ವಿರುದ್ಧವಾಗಿ ವರ್ತಿಸಿದರೆ ಅವನ ಮೇಲೆ ಪ್ರಾಸೆಕ್ಯೂಷ್ಷ್ ವ್ಯವಹರಣೆ ನಡೆಯಲು ಅವಕಾಶವಿರುವಂತೆ ನಿಯಮವನ್ನು ಏರ್ಪಡಿಸಲಾಗಿದೆ, ಅಲ್ಲದೆ, ಅವನ ಮೇಲೆ ಪ್ರಾಸೆಕ್ಯೂಷ್ಷ್ ವ್ಯವಹರಣೆ ನಡೆಯಬೇಕಾದರೆ ಸರ್ಕಾರದವರಿಂದಾಗಲಿ ಅಥವಾ ಬೋರ್ಡಿನವರಿಂದಾಗಲಿ ಈ ವಿಷಯದಲ್ಲಿ ಅಧಿಕಾರ ಪಡೆದಿರುವ ಆಫೀಸರವರು ಫಿರ್ಯಾದುಮಾಡಿದ ಸಂದರ್ಭಗಳಲ್ಲಿ ಮಾತ್ರ ಅಂಥ ಯಾವುದಾದರೂ ಅಪರಾಧದ ವಿಷಯದಲ್ಲಿ ಅವನ ಮೇಲೆ ಪ್ರಾಸೆಕ್ಯೂಷ್ಷ್ ವ್ಯವಹರಣೆಗಳು ನಡೆಯುವಂತೆ ಅವಕಾಶವನ್ನೂ ಕೂಡ ಕಲ್ಪಿಸಲಾಗಿದೆ

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಕಾಫಿ ವ್ಯಾಪಾರಸ್ಥಳಗಳ ಬಡಾವಣೆಯ (ತಿದ್ದುಪಡಿ) ಮಸೂದಾ ಕಾನೂನು

1941ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಕಾಫಿ ವ್ಯಾಪಾರ ಸ್ಥಳಗಳ ಬಡಾವಣೆಯ ಆಕ್ಟನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದುಪಾಟುಮಾಡುವುದಕ್ಕಾಗಿ ಏರ್ಪಟ್ಟ ವ ಸೂಚನಾ ಕಾನೂನು

ಈ ಮುಂದೆ ಹೇಳುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ 1941ನೆಯ ಇಸವಿಯ ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಕಾಫಿ ವ್ಯಾಪಾರಸ್ಥಳಗಳ ಬಡಾವಣೆಯ ಆಕ್ಟನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದುಪಾಟು ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ,

Draft

No RL 1972- dated 11th Nov 1946

Notification

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the ms accompanying Mysore city Municipalities (Third Amendment) Bill together with the Statement of objects and Reasons

By order

Legal Remembrancer and and Secretary to Govt Law Department

30/10 30/10

should not be resumed by the municipality ... cation shall contain as complete particulars of the land as

Statement of objects and Reasons

~~THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL~~

~~Statement of Principles.~~

Municipalities lose considerable sums every year on account of irrecoverable taxes on vacant sites the owners of which are not known and cannot be traced Coercive steps cannot be taken as their addresses are not known and civil suits lead to delay and expense

2 Government consider it desirable, therefore, that in such cases City Municipal Councils should be empowered to take over unclaimed vacant sites of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguards have been provided in the Bill, which has been drafted for this purpose

THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933,

It is hereby enacted as follows —

Short title and commencement

1 (1) This Act may called the Mysore City Municipalities (First Amendment) Act, 194 ,

(2) It shall come into force at once

Insertion of new section 200 A in Act VIII of 1933

2 After section 200 of the Mysore City Municipalities Act 1933, the following new section shall be inserted namely —

"200 A (1) Where in respect of land situated within a municipality, the whole or any part of any amount recoverable under the provisions of Chapter VIII or of section 198 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the Municipal Council may, by a notification in the Gazette, call upon the owner or any person interested therein to appear before the person, and within the period to be specified in the said notification, to show cause why the said land should not be resumed by the municipality The notification shall contain as complete particulars of the land as

is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality and the amount due in respect of the land

" (2) Where the owner or any person interested in the land appears and pays to the municipality the amount due on the land, further proceedings shall not be taken under this section

" (3) Where no person appears within the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the municipal council accordingly and the municipal council may, thereupon, direct that the said land be resumed to the municipality, whereupon it shall vest in the municipal council Such order shall be published in the Official Gazette and shall take effect from the date of such publication

" (4) Any person aggrieved by an order of the municipal council made under sub section (3) may, within one year from the date of the order, apply to the Civil Court within whose jurisdiction the property is situate to set aside such order and the Court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided, however, that such order shall not be liable to be set aside unless the applicant has deposited in Court for the benefit of the municipal council the amount due on the land '

Draft

No RL 1973 - dated 11th Nov 1944 UD

Notification

under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Town Municipalities (Fourth Amendment) Bill together with the Statement of Objects and Reasons

By Order

[redacted]

Legal Remembrancer and Secretary to Govt Law Department

the municipal council may, by [illegible] Gazette, call upon the owner or any person interested therein to appear before the person and within the period

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Statement of Objects and Reasons

THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) BILL

Statement of Principles

Complaints are being received from several municipalities that considerable amounts have to be written off every year as irrecoverable dues on vacant sites situated within their limits In a majority of cases owners are not known and coercive steps cannot be taken in the absence of information regarding their whereabouts Recourse to civil courts results in protracted litigation at considerable expense

2 Government have therefore considered it desirable that in such cases Town Municipal Councils should be empowered to take over unclaimed vacant sites, of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguards have been provided in the Bill which has been drafted for this purpose

THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) BILL

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act 1933 ,

It is hereby enacted as follows —

1 (1) This Act may be called the Mysore Town Municipalities (First Amendment) Act, 194 , Short title and commencement

(2) It shall come into force at once

2 After section 177 of the Mysore Town Municipalities Act, 1933, the following new section shall be inserted, namely — Insertion of new section 177 A in Act VIII of 1933

" 177 A (1) Where in respect of land situated within a municipality, the whole or any part of any amount recoverable under the provisions of Chapter VIII or of section 175 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known the municipal council may, by notification in the Official Gazette, call upon the owner or any person interested therein to appear before the person and within the period

to be specified in the said notification, to show cause why the said land should not be resumed by the municipality The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality, and the amount due in respect of the land

'(2) Where the owner or any person interested in the land appears and pays to the municipality the amount due on the land, further proceedings shall not be taken under this section

"(3) Where no person appears within the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the municipal council accordingly and the municipal council may, thereupon, direct that the said land be resumed to the municipality, whereupon it shall vest in the municipality Such order shall be published in the Official Gazette and shall take effect from the date of such publication

'(4) Any person aggrieved by an order of the municipal council made under sub section (3) may, within one year from the date of the order, apply to the nearest civil court within whose jurisdiction the property is situate, to set aside such order and the Court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided, however, that such order shall not be liable to be set aside unless the applicant has deposited in Court for the benefit of the municipal council the amount due on the land

Draft
No RL 1973 - dated 11th Nov 1944

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Notification

under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication, in the Gazette of the accompanying Mysore Village panchayet (Amendment) Bill together with the Statement of objects and Reasons

By Order

Legal Remembrancer and Secretary to Govt Law Department

Official Gazette, call upon the owner or any person interested therein to appear before the person, and within the period to be specified in the said notification, to sho

Statement of objects and Reasons

~~THE MYSORE VILLAGE PANCHAYET (AMENDMENT) BILL~~

~~Statement of Principles.~~

1 Several village panchayets are losing consider able sums of money every year on account of irrecover able taxes on vacant sites, the owners of which are not known and cannot be traced Coercive steps cannot be taken in the absence of information regarding the addresses of the owners Recourse to civil courts results in protracted litigation at considerable expense

2 Government consider it desirable, therefore, that in such cases the village panchayets should be empowered to take over unclaimed vacant sites of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Suffi cient safeguards have been provided in the Bill, which is now brought forward for this purpose

THE MYSORE VILLAGE PANCHAYET (AMENDMENT) BILL

A Bill further to amend the Mysore Village Pancha- yet Act, 1926,

Whereas it is expedient further to amend the Mysore Village Panchayet Act, 1926,

It is hereby enacted as follows —

Short title and commence ment

1 (1) This Act may be called the Mysore Village Panchayet (Amendment) Act, 194

(2) It shall come into force at once

Insertion of new section 40-A in Act II of 1926

2 Section 40 A of the Mysore Village Panchayet Act, 1926, shall be renumbered as section 40 B and before section as so renumbered, the following new section shall be inserted, namely —

"40 A (1) Where, in respect of land situated with in a panchayet, the whole or any part of any amount recoverable under section 40 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the Amildar may, by notification in the Official Gazette, call upon the owner or any person inter ested therein to appear before the person, and within the period to be specified in the said notification, to show

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fied in the said notification, to show cause why
resumed by the municipality
particulars of

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cause why the said land should not be resumed by the panchayet The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the panchayet, and the amount due in respect of the land

"(2) Where the owner or any person interested in the land appears and pays to the panchayet the amount due on the land, further proceedings shall not be taken under this section

' (3) Where no one appears within the time specified or payment is not made of the amount due the person specified in the aforesaid notification shall report to the Amildar accordingly and the Amildar may thereupon direct that the said land be resumed by the panchayet whereupon it shall vest in the panchayet Such order shall be published in the Official Gazette and shall take effect from the date of such publication

' (4) Any person aggrieved by an order of the Amildar made under sub section (3) may, within one year from the date of the order, apply to the civil court within whose jurisdiction the property is situate to set aside such order and the Court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided, however, that such order shall not be liable to be set aside unless the applicant has deposited in Court for the benefit of the panchayet the amount due on the land

NOTIFICATION

No Rl ~~Legis~~ *lated Bangalore, the 11th November* 1944

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore City Municipalities (First Amendment) Bill together with the Statement of Objects and Reasons

By Order,
C NARAYANASWAMY NAIDU,
Legal Remembrancer and Secretary to Government, Law Department

THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933,

It is hereby enacted as follows —

1 (1) This Act may be called the Mysore City Municipalities (First Amendment) Act, 194 — Short title and commencement

(2) It shall come into force at once

2 After section 200 of the Mysore City Municipalities Act 1933, the following new section shall be inserted, namely — Insert on of new section 200-A in Act VIII of 1933.

"200 A (1) Where in respect of land situated within a municipality the whole or any part of any amount recoverable under the provisions of Chapter VIII or of section 198 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known the Municipal Council may, by a notification in the Gazette, call upon the owner or any person interested therein to appear before the person, and within the period to be specified in the said notification, to show cause why the said land should not be resumed by the municipality.

The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality and the amount due in respect of the land

"(2) Where the owner or any person interested in the land appears and pays to the municipality the amount due on the land, further proceedings shall not be taken under this section

"(3) Where no person appears within the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the Municipal Council accordingly and the Municipal Council may, thereupon, direct that the said land be resumed to the municipality, whereupon it shall vest in the Municipal Council Such order shall be published in the Official Gazette and shall take effect from the date of such publication

"(4) Any person aggrieved by an order of the Municipal Council made under sub section (3) may within one year from the date of the order, apply to the Civil Court within whose jurisdiction the property is situate to set aside such order and the Court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption the costs in any case being defrayed by the applicant

Provided, however, that such order shall not be liable to be set aside unless the applicant has deposited in Court for the benefit of the Municipal Council the amount due on the land

Statement of Objects and Reason

Municipalities lose considerable sums every year on account of irrecoverable taxes on vacant sites the owners of which are not known and cannot be traced Court steps cannot be taken as their addresses are not known and civil suits lead to delay and expense

2 Government consider it desirable therefore that in such cases City Municipal Councils should be empowered to take over unclaimed vacant sites of which the owners are not known for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguads have been provided in the Bill, which has been drafted for this purpose

NOTIFICATION

No 1973 *dated Bangalore, the 14th November* 1944

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Town Municipalities (First Ammendment) Bill together with the Statement of Objects and Reasons

By Order,

C NARAYANASWAMI NAIDU,
Legal Remembrancer and Secretary to Government, Law Department

THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) BILL

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act 1933,

It is hereby enacted as follows —

1 (1) This Act may be called the Mysore Town Municipalities (First Amendment) Act, 194 — Short title and commencement

(2) It shall come into force at once

2 After section 177 of the Mysore Town Municipalities Act 1933, the following new section shall be inserted, namely — Insertion of new section 177A in Act VIII of 1933

"177 A (1) Where in respect of land situated within a municipality, the whole or any part of any amount recoverable under the provisions of Chapter VIII or of section 175 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known the municipal council may, by notification in the Official Gazette, call upon the owner or any person interested therein to appear before the person and within the period to be specified in the said notification to show cause why the said land should not be resumed by the municipality The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality, and the amount due in respect of the land

"(2) Where the owner or any person interested in the land appears and pays to the municipality the amount due on the land, further proceedings shall not be taken under this section

"(3) Where no person appears within the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the municipal council accordingly and the municipal council may, thereupon, direct that the said land be resumed to the municipality, whereupon it shall vest in the municipality Such order shall be published in the Official Gazette and shall take effect from the date of such publication

(4) Any person aggrieved by an order of the municipal council made under sub section (3) may, within one year from the date of the order, apply to the nearest civil court within whose jurisdiction the property is situate, to set aside such order and the Court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption the costs in any case being defrayed by the applicant

Provided, however, that such order shall not be liable to be set aside unless the applicant has deposited in Court for the benefit of the municipal council the amount due on the land

Statement of Objects and Reasons

Complaints are being received from several municipalities that considerable amounts have to be written off every year as irrecoverable dues on vacant sites situated within their limits In a majority of cases owners are not known and coercive steps cannot be taken in the absence of information regarding their whereabouts Recourse to civil courts results in protracted litigation at considerable expense

2 Government have therefore considered it desirable that in such cases Town Municipal Councils should be empowered to take over unclaimed vacant sites, of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguards have been provided in the Bill which has been drafted for this purpose.

NOTIFICATION

No. [illegible] —Bangalore, dated the 11-11- 1944

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Village Panchayet (Amendment) Bill, together with the Statement of Objects and Reasons.

By Order,

C NARAYANASWAMY NAIDU,
Legal Remembrancer and
Secretary to Government,
Law Department

THE MYSORE VILLAGE PANCHAYET (AMENDMENT) BILL

A Bill further to amend the Mysore Village Panchayet Act, 1926,

Whereas it is expedient further to amend the Mysore Village Panchayet Act, 1926,

It is hereby enacted as follows —

Short title and commencement

1 (1) This Act may be called the Mysore Village Panchayet (Amendment) Act, 194 ,

(2) It shall come into force at once

Insertion of new section 40 A in Act II of 1926

2 Section 40 A of the Mysore Village Panchayet Act, 1926, shall be renumbered as section 40 B and before section as so renumbered, the following new section shall be inserted, namely

"40 A (1) Where, in respect of land situated within a panchayet, the whole or any part of any amount recoverable under section 40 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the Amildar may, by notification in the Official Gazette, call upon the owner or any person interested therein to appear before the person, and within the period to be specified in the said notification, to show cause why the said land should not be resumed by the panchayet The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the panchayet, and the amount due in respect of the land

"(2) Where the owner or any person interested in the land appears and pays to the panchayet the amount due on the land, further proceedings shall not be taken under this section

' (3) Where no one appears within the time specified or payment is not made of the amount due the person specified in the aforesaid notification shall report to the Amildar accordingly and the Amildar may thereupon direct that the said land be resumed by the panchayet whereupon it shall vest in the panchayet Such order shall be published in the Official Gazette and shall take effect from the date of such publication

' (4) Any person aggrieved by an order of the Amildar made under sub section (3) may, within one year from the date of the order, apply to the civil court within whose jurisdiction the property is situate to set aside such order and the Court, after taking such evidence as it considers necessary may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided, however, that such order shall not be liable to be set aside unless the applicant has deposited in Court for the benefit of the panchayet the amount due on the land

Statement of Objects and Reasons

1 Several village panchayets are losing considerable sums of money every year on account of irrecoverable taxes on vacant sites, the owners of which are not known and cannot be traced Coercive steps cannot be taken in the absence of information regarding the addresses of the owners Recourse to civil courts results in protracted litigation at considerable expense

2 Government consider it desirable, therefore, that in such cases the village panchayets should be empowered to take over unclaimed vacant sites of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguards have been provided in the Bill, which is now brought forward for this purpose

... Gazette of the accompanying ... Municipalities (First Amendment) Bill, to ... the Statement of Objects and Reasons

By Order,

NARAYANASWAMY NAIDU,
Legal Remembrancer and
Secretary to Government,
Law Department

THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933;

It is hereby enacted as follows —

Short title and commencement

(1) This Act may be called the Mysore City Municipalities (First Amendment) Act, 194

2) It shall come into force at once

Insertion of new section 200-A in Act VIII of 1933

After section 200 of the Mysore City Municipalities Act, 1933, the following new section shall be inserted, namely —

"200 A (1) Where in respect of land situated within a municipality, the whole or any part of any amount recoverable under the provisions of Chapter VIII or of section 198 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the Municipal Council may, by a notification in the Gazette, call upon the owner or any person interested therein to appear before the person, and within the period to be specified in the said notification, to show cause why the said land should not be resumed by the municipality The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality and the amount due in respect of the land

"(2) Where the owner or any person interested in the land appears and pays to the municipality the amount due on the land, further proceedings shall not be taken under this section

"(3) Where no person appears within the time specified or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the Municipal Council accordingly and the Municipal Council may, thereupon, direct that the said land be resumed to the municipality, whereupon it shall vest in the Municipal Council Such order shall be published in the official Gazette and shall take effect from the date of such publication

"(4) Any person aggrieved by an order of the Municipal Council made under sub section(3) may, within one year from the date of the order, apply to the Civil Court within whose jurisdiction the property is situate to set aside such order and the Court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided, however, that such order shall not be liable to be set aside unless the applicant has deposited in Court for the benefit of the Municipal Council the amount due on the land

Statement of Objects and Reasons

Municipalities lose considerable sums every year on account of irrecoverable taxes on vacant sites the owners of which are not known and cannot be traced Coercive steps cannot be taken as their addresses are not known and civil suits lead to delay and expense

2 Government consider it desirable therefore, that in such cases City Municipal Councils should be empowered to take over unclaimed vacant sites of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguards have been provided in the Bill which has been drafted for this purpose

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No Rl 1973, *dated Bangalore, the 11th November* 1944

Under the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order

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Gazette of the accompanying
Municipalities (First Amendment) Bill
and Statement of Objects and Reasons

By Order,

NARAYANASWAMY NAIDU,
Legal Remembrancer and
Secretary to Government,
Law Department

THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) BILL

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act 1933 ,

It is hereby enacted as follows —

Short title and commencement

1 (1) This Act may be called the Mysore Town Municipalities (First Amendment) Act, 194

(2) It shall come into force at once

Insertion of new section 177 A in Act VIII of 1933

2 After section 177 of the Mysore Town Municipalities Act, 1933, the following new section shall be inserted, namely —

" 177 A (1) Where in respect of land situated within a municipality, the whole or any part of any amount recoverable under the provisions of Chapter VIII or of section 175 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known the municipal council may, by notification in the official Gazette, call upon the owner or any person interested therein to appear before the person and within the period to be specified in the said notification, to show cause why the said land should not be resumed by the municipality The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the municipality, and the amount due in respect of the land

" (2) Where the owner or any person interested in the land appears and pays to the municipality the amount due on the land, further proceedings shall not be taken under this section

(3) Where no person appears within the time limited or payment is not made of the amount due, the person specified in the aforesaid notification shall report to the municipal council accordingly and the municipal council may, thereupon, direct that the said land be resumed to the municipality, whereupon it shall vest in the municipality Such order shall be published in the official Gazette and shall take effect from the date of such publication

(4) Any person aggrieved by an order of the municipal council made under sub section (3) may, within one year from the date of the order, apply to the nearest civil court within whose jurisdiction the property is situate, to set aside such order and the Court, after taking such evidence as it considers necessary, may confirm or set aside the order of resumption, the costs in any case being defrayed by the applicant

Provided, however, that such order shall not be liable to be set aside unless the applicant has deposited in Court for the benefit of the municipal council the amount due on the land '

Statement of Objects and Reasons

Complaints are being received from several municipalities that considerable amounts have to be written off every year as irrecoverable dues on vacant sites situated within their limits In a majority of cases owners are not known and coercive steps cannot be taken in the absence of information regarding their whereabouts Recourse to civil courts results in protracted litigation at considerable expense

2 Government have therefore considered it desirable that in such cases Town Municipal Councils should be empowered to take over unclaimed vacant sites, of which the owners are not known, for default of payment of taxes which have fallen due for a period of six years and over Sufficient safeguards have been provided in the Bill which has been drafted for this purpose

Bangalore, the 11th November 1944

In pursuance of the provisions of rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Village Panchayet (Amendment) Bill, together with the Statement of Objects and Reasons

By Order,

C NARAYANASWAMY NAIDU,

Legal Remembrancer and
Secretary to Government,
Law Department

THE MYSORE VILLAGE PANCHAYET (AMENDMENT) BILL

A Bill further to amend the Mysore Village Panchayet Act, 1926,

Whereas it is expedient further to amend the Mysore Village Panchayet Act, 1926,

It is hereby enacted as follows —

Short title and commencement

1 (1) This Act may be called the Mysore Village Panchayet (Amendment) Act, 194 ,

(2) It shall come into force at once

Insertion of new section 40 A in Act II of 1926

2 Section 40 A of the Mysore Village Panchayet Act, 1926, shall be renumbered as section 40 B and before section as so renumbered, the following new section shall be inserted, namely

"40 A (1) Where, in respect of land situated within a panchayet, the whole or any part of any amount recoverable under section 40 is in arrears for a period of six years and the land is unclaimed and the owner thereof is not known, the Amildar may, by notification in the official Gazette, call upon the owner or any person interested therein to appear before the person, and within the period to be specified in the said notification, to show cause why the said land should not be resumed by the panchayet The notification shall contain as complete particulars of the land as is necessary to identify the land as well as the name of the last owner as disclosed in the books of the panchayet, and the amount due in respect of the land

22/5/43

~~Immediate~~ Express

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Dear Sir,

~~I am desired to invite~~
~~the reference to this~~
A copy was sent to your office on
~~Here~~ telephone message, of 12-5-43
~~requesting~~
~~Collect~~ for information in regard to
the extent of loss sustained by the City Municipality
of ~~Bangalore~~ Mysore every year, during
the last six years on account of the
water ~~of~~ if any, of irrecoverable ~~dues~~ rents
on vacant sites situated within its
limits, I am to request you to
kindly furnish the above information very early
~~immediately~~

Yours
21/5/43

The Municipal Comm
Secretary
The Presidency Municipality Chairman

GENERAL AND REVENUE SECRETARIAT,

Dated Bangalore 22nd May 1945

U No 2-11 SU 1-8

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IMMEDIATE

Dear Sir,

A telephone message was sent to your office on 12th May 1945, requesting for information in regard to the extent of loss sustained by the City Municipality of ~~Bangalore~~ Mysore every year, during the last six years, on account of the write off, if any, of irrecoverable taxes on vacant sites situated within its limits. I am to request you to kindly furnish the above information very early

Yours sincerely,

for

for

knv

M2-639/44-45 7812

Office of the President,
City Municipal Council, Mysore

Date 24-5-1945

From

R Ramachandra Rao Bhombore, Esq B A
President, City Municipal Council
MYSORE

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To

The Assistant Secretary to Government,
Law Department,
Bangalore

Sir,

Amount of site tax remitted in this Municipality

With reference to your D O letter No L 11307-8 dated 22-5-1945, re the above, I have the honour to furnish the required information as noted in the margin

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT

Extent of loss sustained by the M C M every year during the last 6 years on account of the written-off site taxes

1938-39	=	64-13-8
39-40	=	61-10-0
40-41	=	2- 0-0
41-42	=	528-14-6
42-43	=	11-12-0
43-44	=	88- 4-6

BS

BANGALORE CITY MUNICIPALITY

No A4.P R.535/44-45

Encl —

MUNICIPAL OFFICES,

Bangalore 24-5- 1945

FROM

K SUBBA RAO, ESQ, B A,
MUNICIPAL COMMISSIONER,
BANGALORE CITY

To

C.Narayanaswamy Naidu Fsq ,B A B L ,
Legal Rembrancer & Secretary to Government,
Law Department, Bangalore.

SIR,

With reference to your letter No L 11307-8 dated 22-5-45, calling for information as to the extent of loss sutained by this municipality during the last six years,on account of the write off of irrecoverable taxes on vaccant sites situated within its limits, I have the honour to state that no amount under site tax has been written off as irrecoverable during the past six years

I have the honour to be,

Sir,

Your most obedient servant,

Municipal commissioner

MYSORE LEGISLATIVE COUNCIL

NOTICE OF AMENDMENTS
(Provisionally admitted)

MYSORE VILLAGE PANCHAYAT (Ammendment) BILL

BY T Mariappa and Others.

Date of receipt of notice - 5th December 1944.

Sir,

Substitute the following caluse to Clause 40-A (4)

Any person aggrieved by the order of the Municipal Council under Sub Section (3) may, within three years from the date of the order, apply to the Civil Court within whose jurisdiction the property is situate, to set aside the order, and the Court shall set aside such an order if it is satisfied that all the arrears due are deposited in court or paid into the Municipality.

B. K Ramakrishniah,
Secretary,
Mysore Legislative Councils.

THE MYSORE CITY MUNICIPALITIES (First Amendment) Bill

S i r,

I beg to move that the Mysore City Municipalit (First amendment) Bill be taken into consideration by the Council at once

The processes available at present under the City Municipalities Act for recovery of arrears of taxes on vacant lands, are of two kinds One of them is provided for in Chapter VIII under which a warrant for the distress and sale of the movable property of the defaulter can be issued This process naturally becomes inapplicable in cases the owner of the land in question is unknown and the land itself is not claimed by anybody The other one at present available is the recourse to suit in a civil court of competent jurisdiction against the person liable for the tax Even in this case, any steps that may be taken will be ineffective against a defaulter who is not known Further it is a lengthy process involving considerable time and money In order to meet these difficulties, this Bill has been brought forward

This Bill was placed before the Assembly in September but was not approved by a majority of the members I would therefore like to refer briefly to its salient features

Before the provisions of this Bill become operative, three important conditions have to be fulfilled -

Firstly, the tax should have remained unpaid for a period of 6 years,

Secondly, the owner of the land should be a person unknown, and

Thirdly, the land should be lying unclaimed

And in such cases what happens? A notification is issued in the Mysore Gazette by a person specified calling upon the owner or person interested to appear and show cause why the land should not be resumed ~~Even~~ At this stage if the owner appears and pays the dues, no further action can be taken

But even after such notification, if no one appears within the time that has been prescribed in the notification, a further order by the Municipal Council has to be passed and published in the Gazette before the land vests in the Municipality

The Bill does not stop here A further opportunity is given to the defaulting owner He may within one year from the date of the order, apply to a court to set aside the order,

Viewed in this sequence, hon'ble members will notice that the safeguards subject to which only, the resumption can be effected, are not merely suitable but are also adequate Valuable bits of property in the City Municipalities are lying vacant and the hon'ble members will agree, I am sure, that were there an owner or a claimant, he would not allow such property to lie waste or go by default It is but proper that in such cases and subject to the safeguards I have just now mentioned the Municipalities should have power to resume the site

In the light of what I have stated, I am sure the members will accord their support to this measure

THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) B I L L

Sir,

I beg to move that the Mysore City Municipalities (First amendment) Bill be taken into consideration by the Council at once

This Bill is on identical lines with the amendment to the City Municipalities Act which I moved sometime ago This Bill is intended to meet the same situation and serve the same purpose The power of resumption is subject to the same safeguards and will be exercisable in the like circumstances

The Bill was not approved by a majority of the Assembly but I hope that for the reasons I gave in connection with the earlier Bill, hon'ble members here will give it their entire support

I will add, in connection with this Bill, one special plea Every year almost every Town Municipal Council has to approach Government to permit of the writing off the accounts of large sums of money which are due to the Council as arrears of taxes but are irrecoverable on account of the fact that the owner is not known nor the land claimed It is in order to help the Municipalities out of this unenviable state of affairs that this Bill has been brought up

THE MYSORE VILLAGE PANCHAYET (AMENDMENT) BILL

Sir,

I beg to move that the Mysore Village Panchayet (amendment) Bill be taken into consideration by the Council at once

Even the Village Panchayets are losing large sums of money every year on account of irrecoverable arrears of taxes on vacant sites This Bill is intended to remedy this state of affairs and is on the same lines as the two Bills which were considered by the Council just now

This Bill was also not approved by the Assembly but in the light of my remarks in connection with the other 2 bills and in order to help the Panchayets to get possession of sites on which they are annually losing large amounts, I am sure the Hon'ble members will accord their support to this Bill

MYSORE LEGISLATIVE COUNCIL,

December 1944

Notice of Amendments
(provisionally admitted)

MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL.

By Mr. C K. Balakrishnan (Kolar-General-Rural)

Date of receipt of notice 4th December 1944.

Section 2. "200 A(1) In the second line after the word "the" omit the words "whole or part of any"

In the fourth line after the word "known" add the words "in spite of notice or coercive process"

In clause (4) after the words "may, within" add 'three' in place of 'one'.

MYSORE LEGISLATIVE COUNCIL
December 1944

NOTICE OF AMENDMENTS.
(Provisionally admitted)

MYSORE CITY MUNICIPALITIES AMENDMENT(First) BILL.

By T. Mariappa and Others.

Date of receipt of notice - 5th December 1944.

Sir—

Substitute the following caluse to Clause 200 A (4)

Any person aggrieved by the order of the Municipal Council under sub Section (3) may, within three years from the date of the order, apply to the Civil Court within whose jurisdiction the property is situate, to set aside the order, and the Court shall set aside such an order if it is satisfied that all the arrears due are deposited in court or paid into the Municipality.

B K Ramakrishniah,
Secretary,
Mysore Legislative Council.

MYSORE LEGISLATIVE COUNCIL

NOTICE OF AMENDMENTS
(Provisionally admitted)

MYSORE TOWN MUNICIPALITIES (First Amendment) BILL

By T. Huriappa and Others.

Date of receipt of notice - 5th December 1944.

Sir, Substitute the following clause for clause 177 A (4)

Any person aggrieved by the order of the Municipal Council under Sub Section (3) x may, within three years from the date of the order, apply to the Civil Court within whose jurisdiction the property is situate, to set aside the order, and the Court shall set aside such an order if it is satisfied that all the arrears due are deposited in court or paid into the Municipality.

B. K. Ramakrishnaiah,
Secretary,
Mysore Legislative Council.